

THE NATIONAL ARCHIVES  
LITTERA  
SCRIPTA  
MANET

# FEDERAL REGISTER

VOLUME 7      1934      NUMBER 60  
OF THE UNITED STATES

*Washington, Friday, March 27, 1942*

## *The President*

### PROCLAMATION 2543

ESTABLISHING THE SAN FRANCISCO, COLUMBIA RIVER, PUGET SOUND, SOUTHEASTERN ALASKA, PRINCE WILLIAM SOUND, KODIAK, AND UNALASKA MARITIME CONTROL AREAS AND PRESCRIBING REGULATIONS FOR THE CONTROL THEREOF

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION

WHEREAS the United States is now at war, and the establishment of the maritime control areas hereinafter described is necessary in the interests of national defense:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, by virtue of the authority vested in me as President of the United States, and as Commander-in-Chief of the Army and Navy of the United States, and in accordance with the principle of self-defense of the Law of Nations, do hereby establish and proclaim the following-described areas as Maritime Control Areas, and prescribe the following regulations for the control thereof:

#### SAN FRANCISCO MARITIME CONTROL AREA

All waters within the area enclosed by lines running as follows:

Beginning at Point Reyes Lighthouse, California, in approximate position Latitude 37°59'45" North, Longitude 123°01'20" West; thence along approximate true bearing 225° to position Latitude 37°49'08" North, Longitude 123°14'32" West; thence along approximate true bearing 145°30' to position Latitude 37°20' North, Longitude 122°49'22" West; and thence east true to the shore in approximate Longitude 122°24'08" West.

#### COLUMBIA RIVER MARITIME CONTROL AREA

All waters contained within the seaward limit of an arc described with North Head Light, Washington, as a centre, a radius of fifty nautical miles, and meeting the shore line in the south in the vicinity of position Latitude 45°28'15" North, Longitude

123°58'15" West, and in the north in the vicinity of position Latitude 47°08'50" North, Longitude 124°10'50" West.

#### PUGET SOUND MARITIME CONTROL AREA

All waters, excluding Canadian territorial waters, contained within the seaward limit of an arc described with Cape Flattery Light, Washington, as a centre, a radius of fifty nautical miles, and meeting the shore line in the south in the vicinity of position Latitude 47°35' North, Longitude 124°22' West, and meeting the seaward limit of Canadian territorial waters in the north in the vicinity of position Latitude 48°56'30" North, Longitude 125°40'30" West.

#### SOUTHEASTERN ALASKA MARITIME CONTROL AREA

All waters within the area enclosed by lines running as follows:

Beginning at a point on the international boundary line between the Territory of Alaska and Canada at the southwesterly entrance of the Portland Canal in approximate position Latitude 54°44' North, Longitude 130°43' West;

thence along said boundary line and the seaward extension thereof an approximate true bearing 265°30' to position Latitude 54°35' North, Longitude 134°29' West;

thence along approximate true bearing 326°24' to position Latitude 58°33' North, Longitude 139°14'30" West; and

thence along approximate true bearing 85°30' to the north cape of Lituya Bay, Alaska, in approximate position Latitude 58°36'40" North, Longitude 137°40'20" West.

#### PRINCE WILLIAM SOUND MARITIME CONTROL AREA

All waters within the area enclosed by lines running as follows:

Beginning at Pinnacle Rock Lighthouse on the southwesterly end of Cape St. Elias, Alaska, in approximate position Latitude 59°48' North, Longitude 144°36' West;

thence approximately south to position Latitude 59°00' North, Longitude 144°36' West;

thence approximately west true to position Latitude 59°00' North, Longitude 150°26' West; and

thence approximately north true to the southwesterly end of Outer Island of the Pys Islands group in approximate position Latitude 59°20'35" North, Longitude 150°26' West.

## CONTENTS

### THE PRESIDENT

Proclamation:	Page
Maritime control areas, establishment on Pacific Coast and Alaska.....	2329
Executive Order:	
Committee on Fair Employment Practice, amendment of order establishing.....	2330
RULES, REGULATIONS, ORDERS	
TITLE 10—ARMY: WAR DEPARTMENT:	
Claims against U. S. for damages by Army forces in foreign countries.....	2331
TITLE 14—CIVIL AVIATION:	
Civil Aeronautics Board:	
Altitude recording device, installation date postponed.....	2331
TITLE 17—COMMODITY AND SECURITIES EXCHANGES:	
Securities and Exchange Commission:	
Hours and place of business of the Commission (3 documents).....	2331, 2332
Procedure for certain declarations and applications.....	2332
TITLE 30—MINERAL RESOURCES:	
Bituminous Coal Division:	
Minimum price schedules, relief orders, etc.:	
District 2.....	2332
District 4 (2 documents).....	2334, 2336
District 7.....	2340
District 8 (2 documents).....	2340, 2341
District 12.....	2342
District 13.....	2343
TITLE 32—NATIONAL DEFENSE:	
Office of Price Administration:	
Price schedules, amendments, etc.:	
Fuel:	
Bunker C and No. 6 grade fuel oils.....	2352
Curtailment area sales.....	2352
Petroleum and products.....	2352
Iron and steel products.....	2351

(Continued on next page)





Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the **FEDERAL REGISTER** will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

#### CONTENTS—Continued

<b>TITLE 32—NATIONAL DEFENSE—Con.</b>	
War Production Board:	Page
Chromium, supplementary supply and distribution order	2347
Cork and cork products, amendment	2344
Plumbing and heating simplification, corrections	2351
Rubber, amendments of order restricting use and sale (2 documents)	2344, 2346
Utilities maintenance, repair, and supplies, amendment	2348
<b>TITLE 33—NAVIGATION AND NAVIGABLE WATERS:</b>	
Coast Guard:	
Portland, Maine, anchorage of vessels and lading of explosives	2353
<b>TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF:</b>	
Veterans' Administration:	
Medical; diagnostic criteria for tuberculosis	2353
<b>TITLE 49—TRANSPORTATION AND RAILROADS:</b>	
Interstate Commerce Commission:	
Motor-carrier accident reports	2359
Steam roads, uniform system of accounts	2359
<b>NOTICES</b>	
Alien Property Custodian:	
Appointment of deputy	2363
Civil Aeronautics Board:	
United Air Lines Transport Corp., hearing	2363
Department of the Interior:	
Bituminous Coal Division:	
Benchley & Vermillion Coal Co., code membership restored	2362
Ford Collieries Co., relief denied	2361

#### CONTENTS—Continued

Department of the Interior—Con.	
Bituminous Coal Division—Con.	Page
Hearings, etc.:	
District Board 14	2360
District Board 19	2360
District Board 20	2361
Jordan & McCray, cease and desist order	2362
Stith Coal Co., petition dismissed	2361
Office of Defense Transportation:	
Toledo, Peoria and Western Railroad Co., appointment of manager	2363
Securities and Exchange Commission:	
Change of address of principal office	2366
Hearings, postponements, etc.:	
Pacific Power & Light Co.	2365
Pennsylvania-Bradford Co.	2365
Public Service Co. of Indiana, Inc.	2363
Public Service Electric and Gas Co.	2364
Standard Power and Light Corp.	2364
United States Lines, Inc.	2365

#### KODIAK MARITIME CONTROL AREA

All waters contained within the seaward limit of a circle described with Kodiak, Alaska, as a center, a radius of fifty nautical miles, and meeting the shore line in the north at Point Banks, in the vicinity of position Latitude 58°36' North, Longitude 152°22' West; in the south in the vicinity of position Latitude 57°05' North, Longitude 153°13' West; in the west in the vicinity of position Latitude 57°31' North, Longitude 153°52' West; and in the north in the vicinity of position Latitude 58°36' North, Longitude 152°36' West.

#### UNALASKA MARITIME CONTROL AREA

All waters contained within the seaward limit of two arcs described as follows:

The first arc described with Unalaska, Alaska, as a center, a radius of fifty nautical miles, and meeting the shore line in the vicinity of positions Latitude 53°17'30" North, Longitude 167°35' West; Latitude 53°23' North, Longitude 167°43' West; Latitude 53°29' North, Longitude 167°49' West; Latitude 53°31'30" North, Longitude 167°51' West; and intersecting the second arc in the vicinity of positions Latitude 54°40' North, Longitude 166°05' West and Latitude 53°35' North, Longitude 165°10' West.

The second arc described with Scotch Cap Lighthouse on the southwesterly end of Chumiak Island, Alaska, as a center, a radius of fifty nautical miles, and meeting the shore line in the vicinity of positions Latitude 54°41'15" North, Longitude 163°24'15" West and Latitude 55°02'10" North, Longitude 163°48'30" West, and intersecting the first arc in the positions stated in the preceding paragraph.

#### Regulations for the Control of the Above Described Maritime Control Areas

1. A vessel not proceeding under United States naval or other United States authorized supervision shall not enter or navigate the waters of the said Maritime Control Areas except during daylight, when good visibility conditions prevail, and then only after specific permission has been obtained. Advance ar-

rangements for entry into or navigation through or within the said Areas must be made, preferably by application at a United States Naval District Headquarters in advance of sailing, or by radio or visual communication on approaching the seaward limits of the area. If radio telegraphy is used, the call "NQO" shall be made on a frequency of 500 kcs, and permission to enter the port requested. The name of the vessel, purpose of entry, and name of master must be given in the request. If visual communications are used, the procedure shall be essentially the same.

2. Even though permission has been obtained, it is incumbent upon a vessel entering the said Areas to obey any further instructions received from the United States Navy, or other United States authority.

3. A vessel may expect supervision of its movements within the said Areas, either through surface craft or aircraft. Such controlling surface craft and aircraft shall be identified by a prominent display of the Union Jack.

4. These regulations may be supplemented by regulations of the local United States naval authority as necessary to meet local circumstances and conditions.

5. Should any vessel or person within the said Areas disregard these regulations, or regulations issued pursuant hereto, or fail to obey an order of the United States naval authority, or perform any act threatening the efficiency of mine or other defenses, or take any action therein inimical to the defense of the United States, such vessel or person may be subjected to the force necessary to require compliance, and may be liable to detention or arrest, or penalties or forfeiture, in accordance with law.

The Secretary of the Navy is charged with the enforcement of these regulations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 25th day of March in the year of our Lord nineteen hundred and [SEAL] forty-two, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES,  
Acting Secretary of State.

[F. R. Doc. 42-2636; Filed, March 26, 1942; 11:35 a. m.]

#### EXECUTIVE ORDER 9111

AMENDMENT OF SECTION 3 OF EXECUTIVE ORDER No. 8802 OF JUNE 25, 1941, ESTABLISHING THE COMMITTEE ON FAIR EMPLOYMENT PRACTICE

By virtue of the authority vested in me by the Constitution and the statutes, section 3 of Executive Order No. 8802<sup>1</sup>

<sup>1</sup> 6 F.R. 3109.



of June 25, 1941, establishing the Committee on Fair Employment Practice, as amended by Executive Order No. 8823<sup>1</sup> of July 18, 1941, is hereby further amended to provide that the Committee shall consist of a chairman and six other members.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
March 25, 1942.

[F. R. Doc. 42-2605; Filed, March 25, 1942;  
2:39 p. m.]

## Rules, Regulations, Orders

### TITLE 10—ARMY: WAR DEPARTMENT

#### Chapter III—Claims and Accounts

##### PART 36—CLAIMS AGAINST THE UNITED STATES<sup>1</sup>

§ 36.55 *Claims for damages occasioned by Army forces in foreign countries—(a) Claims Commission, duties.* The duties of the Commissions will be to consider, adjust, determine and make payment in full settlement of bona fide claims on account of damages caused by Army forces or individual members thereof, in a foreign country or possession thereof, including places located therein which are under the temporary or permanent jurisdiction of the United States, to the property, public or private, or the persons of inhabitants of such foreign countries where the amount of such claim does not exceed \$1,000.

(b) *Application and scope.*—(1) *Application.* The word "inhabitant" as used herein refers only to one who dwells or resides permanently in the country or possession in which the claim arose. The following classes of claimants are excluded:

- (i) Army, Navy, and Marine Corps personnel.
- (ii) Nationals or citizens of foreign countries at war with the United States.
- (iii) United States citizens not permanent residents of the country involved.

(2) *Scope.* (i) No claim will be allowed where the evidence establishes that the damage has been caused in whole or in part by any negligence on the part of the claimant, his agent, or employee, when such negligence proximately caused or contributed to the damage.

(ii) With the exceptions set forth above, all other bona fide claims are within the statute, notwithstanding the fact that the damage may have been caused by officers or employees of the Government, acting outside the scope of their employment.

(c) *Procedure.* When any claim arises under this section claimant should submit

his claim in writing to the commanding officer of the nearest Army post, camp, station, or force as provided in § 36.6. Upon the receipt of such a claim, the commanding officer will promptly refer it in the usual manner to an investigating officer or board of officers, as the case appears to warrant, who will take the action prescribed in § 36.7 so far as applicable, and subject to any special instructions which may be issued. The investigating officer or board of officers will not advise the claimant as to the merits of his claim or the action taken thereon unless and until so instructed by the Commission.

(d) *Action taken by Commission.* The Commission will consider the report of the investigating officer or board of officers which investigated the claim, together with the evidence attached thereto, and may base its award on that report, if deemed satisfactory, or may return it to the appointing authority for further action, or may make an independent investigation. Upon final action by the Commission upon the claim, the Commission will notify the claimant through official channels of the award made. If the claim as originally made or as amended does not exceed \$1,000 and the claimant agrees to accept in writing the approved award in final settlement of the claim, the original and one copy of the claim, and the original and one copy of the award bearing the appropriate approval of the Commission will be filed with the disbursing officer making the payment. The president of the Commission will certify vouchers in payment of approved claims out of the appropriation "Pay of the Army" current at the date of payment.

(e) *Claims not within jurisdiction of Commission.* Claims which do not fall within the jurisdiction of the Commission will be returned to the proper military authority for disposition as prescribed in § 36.7a. (Act of January 2, 1942, Public Law 393—77th Congress) [AR 35-7090, Feb. 10, 1942, and letter AGO March 4, 1942, AG 150 (2-20-42) OF]

[SEAL]

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-2607; Filed, March 25, 1942;  
3:59 p. m.]

### TITLE 14—CIVIL AVIATION

#### Chapter I—Civil Aeronautics Board

[Amendment 61-33, Civil Air Regs.]

##### PART 61—SCHEDULED AIR CARRIER RULES

INSTALLATION DATE OF ALTITUDE  
RECORDING DEVICE POSTPONED

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 23d day of March, 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective March 23, 1942, Part 61 of the Civil Air Regulations is amended as follows:

By striking the words "April 1, 1942" as they appear in § 61.341 and inserting in lieu thereof the words "July 1, 1942."

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-2614; Filed, March 26, 1942;  
9:16 a. m.]

### TITLE 17—COMMODITY AND SECURITIES EXCHANGES

#### Chapter II—Securities and Exchange Commission

PART 201—RULES OF PRACTICE, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, HOLDING COMPANY ACT OF 1935, TRUST INDENTURE ACT OF 1939, INVESTMENT COMPANY ACT OF 1940, AND INVESTMENT ADVISERS ACT OF 1940

AMENDMENT OF RULE RELATING TO BUSINESS HOURS AND THE ADDRESS OF THE PRINCIPAL OFFICE OF THE COMMISSION

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly section 19 (a) thereof; the Securities Exchange Act of 1934, as amended, particularly section 23 (a) thereof; the Public Utility Holding Company Act of 1935, particularly section 20 (a) thereof; the Trust Indenture Act of 1939, particularly section 319 (a) thereof; the Investment Company Act of 1940, particularly section 38 (a) thereof; and the Investment Advisers Act of 1940, particularly section 211 (a) thereof, and finding such action necessary and appropriate to carry out the provisions of such Acts, hereby takes the following action:

Section 201.1 (Rule I) of the Rules of Practice of the Commission is amended to read as follows:

§ 201.1 *Business hours.* The principal office of the Commission at Philadelphia, Pennsylvania, is open on each business day, excepting Saturdays, from 9:00 a. m. to 5:30 p. m., and on Saturdays from 9:00 a. m. to 1:00 p. m.

Effective March 26, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-2619; Filed, March 26, 1942;  
9:31 a. m.]

<sup>1</sup> § 36.55 is added.

<sup>2</sup> 6 F. R. 3577.



**PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933**

**AMENDMENT TO RULES RELATING TO BUSINESS HOURS OF THE COMMISSION AND CALCULATION OF EFFECTIVE DATE OF A REGISTRATION STATEMENT UNDER SECTION 8 (a) OF THE ACT**

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly section 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the Act, hereby takes the following action:

I. Section 230.110 [Rule 110] is amended to read as follows:

§ 230.110 *Business hours of the Commission.* The principal office of the Commission at Philadelphia, Pennsylvania, is open on each business day, excepting Saturdays, from 9:00 a. m. to 5:30 p. m., and on Saturdays from 9:00 a. m. to 1:00 p. m.

II. Section 230.930 [Rule 930] is amended to read as follows:

§ 230.930 *Calculation of time.* The following rules shall govern the calculation of the effective date of a registration statement under section 8 (a) (Sec. 8, 48 Stat. 79; Sec. 301, 54 Stat. 857; 15 U.S.C. 77h)

(a) Sundays and holidays shall be counted in computing the effective date.

(b) In the case of statements which become effective pursuant to section 8 (a) (sec. 8, 48 Stat. 79; sec. 301, 54 Stat. 857; 15 U.S.C. 77h) on the 20th day after the filing thereof, the 20th day shall be deemed to begin at the expiration of 19 periods, of 24 hours each, from 5:30 Eastern Standard War Time, on the date of filing.

Effective March 26, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-2617; Filed, March 26, 1942;  
9:30 a. m.]

**PART 250—RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935**

**AMENDMENT TO RULE RELATING PROCEDURE APPLICABLE TO CERTAIN APPLICATIONS AND DECLARATIONS UNDER THE ACT**

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly

section 20 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and consumers and necessary to carry out the provisions of the Act, hereby amends paragraph (c) of § 250.23 [Rule U-23] to read as follows:

§ 250.23 *Procedure applicable to certain applications and declarations.*

(c) *Effective date.* A declaration or application will become effective or be granted respectively by order issuing as of course at 5:30 p. m., Eastern Standard War Time (or 1:00 p. m., if Saturday) on the 30th day after the filing thereof or the 15th day after the filing of the last amendment thereto, whichever is later, or if such day is a Sunday or legal holiday, on the next business day, unless prior thereto the Commission shall have ordered a hearing thereon. The Commission may at the request of the applicant or declarant advance, and the applicant or declarant may by written or telegraphic notice to the Commission postpone, such date.

Effective March 26, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-2616; Filed, March 26, 1942;  
9:30 a. m.]

**PART 260—RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939**

**AMENDMENT TO RULE UNDER THE ACT RELATING TO THE BUSINESS HOURS OF THE COMMISSION**

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Trust Indenture Act of 1939, particularly section 319 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the Act, hereby amends § 260.0-5 [Rule T-0-5] of the General Rules and Regulations under the Act to read as hereinafter set forth:

§ 260.0-5. *Business hours of the Commission.* The principal office of the Commission at Philadelphia, Pennsylvania, is open on each business day, excepting Saturdays, from 9:00 a. m. to 5:30 p. m., and on Saturdays from 9:00 a. m. to 1:00 p. m.

Effective March 26, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-2618; Filed, March 26, 1942;  
9:30 a. m.]

**TITLE 30—MINERAL RESOURCES**

**Chapter III—Bituminous Coal Division**

[Docket No. A-1329]

**PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2**

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 2, FOR CHANGES IN FREIGHT ORIGIN GROUP NUMBERS AND SHIPPING POINTS FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2 FOR RAIL SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party for changes in Freight Origin Group Numbers and shipping points for the coals of certain mines in District No. 2 for rail shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

*It is ordered,* That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, and § 322.9 (*Special prices—(c) Railroad fuel*) is amended by adding thereto Supplement R-II, which supplements are hereinafter set forth and hereby made a part hereof, and commencing forthwith the Freight Origin Group Numbers and shipping points appearing in the aforesaid Supplement R-I for the mines mentioned therein are effective in place of the Freight Origin Group Numbers and shipping points heretofore established for these mines.

*It is further ordered,* That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

*It is further ordered,* That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: March 14, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.



## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

## § 322.7 Alphabetical list of code members—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Seam	Sub- dis- trict No.	Shipping point	Railroad	Freight origin group No.	Size group Nos.																
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
306	Bartley, Fred & C. K. (Fred Bartley)	Mildred	Pittsburgh	3	Martin, Pa.	Mon.	30								E	E	E							
1632	Bednar & Krett (John Bednar)	Lyons	Pittsburgh	3	Shaw Siding, Pa.	PRR	114	F	F	E	E	E	E	E	E	E	E							
948	Bowie Coal Co. (R. R. Bowie)	Weigle	Brookville	1	Amandale, Pa. (Atwell Siding)	B&E	20	G	G	G	G	G	G	F	F	G	G							
1357	Coal Hollow Coal Co. (Frank V. Jones)	Marracini	Pittsburgh	9	Grove City, Pa.	P&E	73								C	C	C	C						
246	Dulik, Frank	Winstead	Pittsburgh	3	Martin, Pa.	Mon.	30	E	E	E	E	E	E	E	E	E	E							
303	Dunham, Paul E.	Dunhill	Pittsburgh	3	Cornish, Pa.	B&O	80								E	E	E	E						
372	Johnson, C. W.	Jay Bee No. 79 (Deep)	Pittsburgh	3	Shaw Siding, Pa.	PRR	114								E	E	E	E						
380	Johnson, C. W.	Jay Bee No. 79 (Strip)	Pittsburgh	3	Shaw Siding, Pa.	PRR	114								E	E	E	E						
2124	McGraw & Bindley (Durban A. McGraw)	Midway No. 2 (Strip)	Pittsburgh	7	Midway, Pa.	PRR	77	L	L	J	J	J	J	J	J	K	K							
3060	Manning Coal Co. (Emmett Sabatine)	Stewart	Pittsburgh	3	Boggs, Pa.	Montour. B&O	80								C	C	C	C						
2248	Royal Iron & Coal Co., c/o J. F. MacKay.	Nagy No. 2 (Strip)	U. Freeport	1	Hilliards, Pa. Amandale, Pa.	B&E B&E	20	F	F	E	E	E	E	E	E	F	F	F						
2176	Walker, John D.	Blue Eagle (Strip)	U. Freeport	1	(Atwell Crossing). Karns City, Pa. Kayser, Pa.	B&O W. A.	17	F	F	E	E	E	E	E	E	F	F	F						

NOTE: The above prices are applicable only via the respective Freight Origin Groups, Shipping Points, Railroads and Railroad Fuel Groups shown for the respective mines. Freight these mines are no longer applicable.

Origin Groups, Shipping Points, Railroads and Railroad Fuel Groups previously assigned to these mines are no longer applicable.



§ 322.9 Special prices—(c) Railroad fuel—Supplement R-II.

In § 322.9 (c) in Minimum Price Schedule, add the mine index numbers in groups shown. Group No. 1: 1357; Group No. 2: 2124; Group No. 6: 372, 380, 1652; Group No. 7: 248, 306, 393, 3060; Group No. 12: 2176; Group No. 15: 948, 2218.

[F. R. Doc. 42-2584; Filed, March 25, 1942; 11:32 a. m.]

[Docket No. A-1076, Part II]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF ADDITIONAL SHIPPING POINTS FOR THE COALS OF FRED S. GEER, INC., JIMTOWN MINE, MINE INDEX NO. 299, IRISH RIDGE COAL CO., IRISH RIDGE-DEEP MINE, MINE INDEX NO. 234, IRISH RIDGE COAL CO., IRISH RIDGE-STRIP MINE, MINE INDEX NO. 247, GEORGE LANTZ, LANTZ COAL CO. MINE, MINE INDEX NO. 2465, AND MINERAL CITY COAL CO., BLACK MINE, MINE INDEX NO. 278, IN DISTRICT NO. 4

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division on September 19, 1941, by District Board 4, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests the establishment of price classifications and minimum prices and dual shipping points, for all shipments except truck, for Jimtown Mine (Mine Index No. 299) of Fred S. Geer, Inc., Irish Ridge-Deep Mine (Mine Index No. 234) and Irish Ridge-Strip Mine (Mine Index No. 247) of Irish Ridge Coal Co. (Eugene Campbell), Lantz Coal Co. Mine (Mine Index No. 2465) of George Lantz, and Black Mine (Mine Index No. 278) of Mineral City Coal Co. (William T. Laughlin).<sup>1</sup>

By order dated November 18, 1941, 6 F.R. 6536, temporary relief was granted by establishing price classifications and minimum prices for coals produced at Mine Index Nos. 234, 247, 278, 299, and 2465, and by establishing, for each of these mines, the one shipping point, of the two requested, which appeared to be nearest to the particular mine.

<sup>1</sup> The petition herein, originally designated as Docket No. A-1076, requested the establishment of price classifications and minimum prices for the coals produced at various other mines of code members in District 4. By Order dated November 18, 1941, 6 F.R. 6279, that part of the petition relating to price classifications and minimum price and dual shipping points, for all shipments except truck, for the above-mentioned coals was severed from the remainder of Docket No. A-1076 and was designated as Docket No. A-1076, Part II. By Order of November 18, 1941, in Docket No. A-1076, granting temporary and conditionally final relief, *inter alia*, minimum prices for truck shipments were established for coals produced at the Jimtown Mine (Mine Index No. 299) and the Black Mine (Mine Index No. 278).

District Board 2 filed a petition of intervention.

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter was held on December 16, 1941, before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner, District Board 4, the intervenor, District Board 2, and Fred S. Geer appeared. Preparation and filing of a report by the Examiner was waived, and the matter was thereupon submitted to the undersigned.

Fred S. Geer, president and treasurer of Fred S. Geer, Inc., the code member operator of Jimtown Mine (Mine Index No. 299), appeared at the hearing in response to a registered letter from District Board 4. This letter was identical with letters sent by the petitioner by registered mail to each of the producers whose mines are involved in this proceeding. The letter stated that it would be necessary for the respective producers to attend the hearing and give their reasons for the necessity of having additional shipping points, such reasons being entirely within the knowledge of the producers.

The petition requested both East Palestine, Ohio, on the Pennsylvania Railroad ("PRR"), and Negley, Ohio, on the Pittsburgh, Lisbon and Western Railroad ("PL&W") as the shipping points for the Jimtown Mine.

Geer, the only witness, testified as follows:

The Jimtown Mine is located about the same distance by road—namely 3 miles—from both East Palestine and Negley. Fred S. Geer, Inc., owns and controls its shipping facilities at Negley, but has occasionally used the facilities of another at East Palestine for the shipment of coals produced at its other mines. The same markets are reached from each point and at the same freight rates. Operation of Jimtown Mine was begun in November 1941, and it is now operating at capacity, producing 300 to 400 tons of coal daily. No coal produced at the Jimtown Mine had been shipped by rail at the time of the hearing, but the intention was to ship, in the near future, 200 to 300 tons of coal daily by rail from this mine during the summer. East Palestine has not been used recently as a shipping point for coal produced at any of the Geer mines, "except a stray car now and then of particular coal." Service from Negley on the PL&W is said to be "almost perfect." That from East Palestine on the PRR is said to be "terrible", there being great delay in obtaining "empties." East Palestine was requested as an additional shipping point only because shipments of coal from other Geer mines had been formerly made from there when convenient. This producer stated that he was not particularly interested in East Palestine as a

shipping point for the Jimtown Mine, as shipment from there is neither necessary nor desirable. Rail movement of Jimtown Coal from Negley to the Geer preparation plants in District 2 for processing is not contemplated.

Accordingly, I find that Negley, Ohio, over the PL&W should be established as the shipping point for the Jimtown Mine, in lieu of East Palestine over the PRR presently established under the Order of November 18, 1941, granting temporary relief.

Witness Geer further testified as follows:

Jimtown Mine is a strip mine now operating in Seam 7, but it probably will soon be operating in Seam 6. Its coals shipped by truck are now selling considerably above the effective minimum prices therefor. The analysis of this coal varies in moisture and B. t. u. content at different locations on the property, depending upon the overburden. An analysis made in September 1941 shows that the coal is especially high grade as compared with other coal from any district. It is higher in moisture, B. t. u. content, and ash fusion point, lower in volatile and ash, and probably lower in carbon than the deep mines of District 4 in Seam 8 having an "O" classification for rail shipments, which is 10 cents higher than the "Q" classification temporarily established for the Jimtown Mine by Order of November 18, 1941. The aforesaid analysis shows the sulphur content of the Jimtown coal is 0.42. The coal is identical in quality with the coal of the Geer mines in District 2 (except the White Mine, Mine Index No. 749), which mines have higher classifications for all shipments except truck than those now temporarily in effect for the Jimtown Mine. However, the witness feels that the prices of the coals produced at the Jimtown Mine for all shipments except truck should be the same as those of the other Columbiana County strip operations in Seams 6 and 7 which have comparable coals.<sup>2</sup> These other coals move to the same markets to which Jimtown rail-shipped coals would move in competition therewith. The coals are of approximately the same quality as those produced at Jimtown Mine and are all believed to be classified "Q" for all shipments except truck. However, Geer testified that the rail prices of these mines do not reflect accurately the quality of the coals produced, and that there is a wide disparity between the classifications of some coals in District 2 and those of the same quality in District 4.

Although the evidence indicates that, in comparison with the quality of the No. 8 seam coals in District 4 and some strip mine coals in District 2, the coals produced at the Jimtown Mine may be of high enough quality to warrant a higher classification than that proposed, since

<sup>2</sup> In this group is the Aken No. 4 Mine (Mine Index No. 3) listed in the petition as producing coal of similar quality to that produced at the Jimtown Mine.







## § 324.8 Numerical list of mines—Supplement R-II

Mine index No.	Mine name	Code member	Freight origin districts	Freight origin group No.	Railroad	Subdistrict No.
234	Irish Ridge-Deep	Irish Ridge Coal Co. (Eugene Campbell)	Jackson	41	B&O	7
247	Irish Ridge-Strip	Irish Ridge Coal Co. (Eugene Campbell)	Jackson	41	B&O	7
278	Black	Mineral City Coal Co. (Wm. T. Laughlin)	Middle	51	B&O	4
289	Jintown	Geer, Inc., Fred S.	Leetonia	73	PL&W	4
2465	Lantz Coal Co.	Lantz, George	Hocking	22	C&O	5

§ 324.2 Seasonal discounts<sup>1</sup>—Supplement R-III

[On all shipments of coal in size groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 15, inclusive, 48 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group No.	Additional freight origin group Nos.	Mine index No.	Additional mine index No.	Amount of discount for shipments during the month of—
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171, 133	Add Mine Index No. 2465	April 50 40 30 20 10
Jackson	41		2, 131, 134	Add Mine Index No. 247	July 30 20 10
Middle	41, 42, 43	Add 51	13, 108	Add Mine Index No. 234	August 30 20 10
Leetonia	72, 74	Add 73	3, 77, 159, 166	Add Mine Index No. 278	
				Add Mine Index No. 299	

<sup>1</sup> Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

## § 324.9 Recapitulation of price classifications—Supplement R-IV

[Prices for all rail shipment from mines indexed below into market areas as shown.<sup>1</sup> Shipment into all market areas—Schedule of Effective Minimum Prices, § 324.9 and § 324.10, also applies to market areas 98 and 99 (Great Lakes), § 324.11 (b), 234.11 (c), and vessel fuel, § 324.11 (d)]

Freight origin districts	Freight origin group No.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171, 133	Add Mine Index No. 2465
Jackson	41		2, 131, 134	Add Mine Index No. 247
Middle	41, 42, 43	Add 51	13, 108	Add Mine Index No. 234
Leetonia	72, 74	Add 73	3, 77, 159, 166	Add Mine Index No. 278
				Add Mine Index No. 299

<sup>1</sup> Prices as shown in § 324.9, 324.10, 324.11 (b), 324.11 (c) and 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

## § 324.11 Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel—Supplement R-V

Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown 1—see schedule of effective minimum prices, § 324.11 (a)]

Name of railroad	Mine index Nos.	Additional mine index Nos.
Baltimore & Ohio Railroad Co.	10, 21, 30, 32, 39, 49, 58, 71, 72, 73, 81, 85, 102, 105, 106, 107, 108, 109, 121, 124, 125, 130, 136, 144, 146, 147, 151, 155, 157, 160, 161	Add Mine Index No. 234
Chesapeake & Ohio Railway Co.	8, 27, 133, 153, 161	Add Mine Index Nos. 247-278
Pittsburgh, Lisbon & Western Railroad	14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 168, 170, 171	Add Mine Index No. 299
Akron, Canton & Youngstown Railway Co.	3, 77	
Ann Arbor Railroad Co.	From all Mine Index Nos. except those shown below:	Add Mine Index Nos. 234, 2465
Canadian National Railways and Grand Trunk Railways System	From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 33, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166	Add Mine Index Nos. 247, 278, 299
Detroit and Mackinac Railway Company		
Detroit & Toledo Shore Line Railroad Co.		
Erie Railroad	From all Mine Index Nos. except those shown below:	Add Mine Index Nos. 234, 2465
Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.)	From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 33, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166	Add Mine Index Nos. 247, 278, 299
Pere Marquette Railway Co.		
For all Railroads not shown above		

<sup>1</sup> Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

[F. R. Doc. 42-2585; Filed, March 25, 1942; 11:33 a. m.]

[Docket No. A-1369]

## PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 4.

The petition requests that the price classifications and minimum prices proposed for the coals of the Owens Mine, Mine Index No. 649, of Heller and Soles Coal Company, a code member in District

No. 4, for rail shipments be made effective from McLuney, Ohio, on Pennsylvania Railroad. It appears that McLuney, Ohio, is located about 160 miles from the said mine and that Mingo Junction, Ohio, is located about 2 miles therefrom and is the nearest rail shipping point to the said mine. Accordingly, the price classifications and minimum prices established herein for the coals of the said mine for rail shipments are effective from Mingo Junction, Ohio, on Pennsylvania Railroad in Freight Origin Group No. 15.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinabove set forth, that no partitions of intervention having been filed with the Division in the above-entitled matter; and that the following action is necessary in order to effectuate the purposes of the Act.

It is ordered, That, pending final disposition of the above-entitled matter,



temporary relief is granted as follows: Commencing forthwith § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 324.8 (*Numerical list of mines*) is amended by adding thereto Supplement R-II, § 324.2 (*Seasonal discounts*) is amended by adding thereto Supplement R-III, § 324.9 (*Recapitulation of price classifications*) is amended by adding thereto Supplement R-IV, § 324.11 (*Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding thereto Supplement R-V, § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by

adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

*It is further ordered*, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

#### TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

#### FOR ALL SHIPMENTS EXCEPT TRUCK

#### § 324.7 Alphabetical list of code members—Supplement R-I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classification by size group Nos.											
									1	2	3	4	5	6	7	8	9	10	11	12
3003	Bruns, Ernest	Bruns	4	5 & 6	Strip	Mineral City	PRR, B&O	57	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q
2860	Christy, George A.	Fancy Lump Coal Co.	8	8	Strip	Pomeroy	C&O	23	K	K	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q
2836	Fulton Coal Company, The, c/o H. J. Nelms	Fulton No. 1	1	8	Strip	Jewett	PRR	15	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q
649	Heller & Soles Coal Company (J. W. Heller)	Owens	1	8	Deep	Mingo Junction	PRR	18	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q
2970	Lee, Clayton M.	C. M. L.	5	6	Deep	Nelsonville	C&O	22	K	K	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q
2404	Moore & Co., Clinton (Clint Moore)	Square Deal	6	5	Deep	McLurey	PRR	34	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q
3008	Penrod & Stoneburner	Cedar Hill	6	6	Deep	Moxahala	NYC	33	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q
2972	Rutkoski Brothers (John Rutkoski)	Rutkoski	1	8	Deep	Uniondale	W&L E.	18	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q
761	Skivers Coal Co.	Skivers	5	6	Deep	Nelsonville	C&O	22	K	K	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q
655	Speaks, George E.	Speaks	1	8	Deep	Steubenville	PRR	15	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q

*It is further ordered*, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No relief is granted herein as to the coals of Chilcote's Mine, Mine Index No. 960, of Chilcote Coal Co., Lee Mine, Mine Index No. 2757, of C. M. Farnsworth, Radford Coal Co. Mine, Mine Index No. 1307, of Radford Brothers, D. A. Thomas Mine, Mine Index No. 1317, of D. A. Thomas, Fairview Mine, Mine Index No. 1902, of J. E. Witchey, (Fairview Coal Co.), Centertown Coal Co. Mine, Mine Index No. 1932, of Centertown Coal Co., Tracey Mine, Mine Index No. 1318, of James E. Tracy, Vitko Bros. Mine, Mine

Index No. 2998, of T. C. Hutson Company, and Bellaire No. 2 Mine, Mine Index No. 177, of the Bellaire Coal Co., for all shipments except truck, and as to the coals of Keystone No. 1 Mine, of Lawrence Williams (Keystone Coal Co.), and Darwin Coal Co. Mine, of Paul Strawser (Darwin Coal Co.), for all shipments except truck and for truck shipments, for the reasons set forth in the order designating that portion of Docket No. A-1269 relating to such coals as Docket No. A-1269 Part II, and granting, in part, temporary relief therein.

Dated: March 14, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.



## § 324.8 Numerical list of mines—Supplement R-II

Mine Index No.	Mine	Code member	Freight origin districts	Railroad	Subdistrict No.
649	Owens	Heller & Sons Coal Company (J. W. Heller)	Ohio No. 8.	PRR	1
655	Speaks	Speaks, George E.	Ohio No. 8.	PRR	1
761	Skivers	Skivers Coal Co.	Hocking	C&O	5
2404	Square Deal	Moore & Co., Clinton (Clint Moore)	Crooksville	PRR	6
2960	Fancy Lump Coal Co.	Christy, George A.	Pomeroy	C&O	8
2936	Fulton No. 1.	Fulton Coal Company, The c/o H. J. Nelms	Ohio No. 8.	PRR	1
2970	C. M. L.	Lee, Clayton M.	Hocking	C&O	5
2972	Rutkoski	Rutkoski Brothers (John Rutkoski)	Ohio No. 8.	W. & L. E.	1
3003	Bruns	Bruns, Ernest	Middle	PRR, B&O.	4
3008	Cedar Hill	Penrod & Stoneburner	Crooksville	NYC	6

§ 324.2 Seasonal discounts<sup>1</sup>—Supplement R-III

On all shipments of coal in size groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 13, inclusive, 95 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel.

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of—
					April
Ohio No. 8.	9, 10, 11, 12, 14, 15, 17, 18, 19		10, 21, 25, 30, 31, 34, 35, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167	Add Mine Index Nos. 649, 655, 2972	30 20 10
Hocking	12, 14, 17, 18	Add 15	12, 16, 37, 45, 68, 92, 119, 161	Add Mine Index Nos. 2936, 2960, 2970, 3003	30 20 10
Pomeroy	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171	Add Mine Index Nos. 761, 2970	50 40 30 20 10
Crooksville	31, 32, 33, 34, 36	Add 23	4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165	Add Mine Index Nos. 2404, 3008	30 20 10
Middle	52	Add 57	13, 108	Add Mine Index No. 3003	30 20 10

<sup>1</sup> Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

## § 324.9 Recapitulation of price classifications—Supplement R-IV

Prices for all-rail shipment from mines indexed below into market areas as shown for shipment into all market areas, see Schedule of Effective Minimum Prices, § 324.9 and § 324.10, inclusive. Also applies to Market Areas 98 and 99 (Great Lakes), § 324.11 (c), 324.11 (d), and Vessel Fuel, § 324.11 (d).

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Ohio No. 8.	9, 10, 11, 12, 14, 15, 17, 18, 19		10, 21, 25, 30, 31, 34, 35, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167	Add Mine Index Nos. 649, 655, 2972
Hocking	12, 14, 17, 18	Add 15	12, 16, 37, 45, 68, 92, 119, 161	Add Mine Index Nos. 2936, 2960, 2970, 3003
Pomeroy	21, 22, 26, 27, 28	Add 23	1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171	Add Mine Index Nos. 761, 2970
Crooksville	31, 32, 33, 34, 36		4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165	Add Mine Index Nos. 2404, 3008
Middle	52	Add 57	13, 108	Add Mine Index No. 3003

<sup>1</sup> Prices as shown for Mine Index No. 14, appearing in the Schedule of Effective Minimum Prices for District No. 4, will apply to additional Mine Index No. 2960 hereinabove noted, for shipment into all Market Areas. In addition, Mine Index No. 2960 will have a price in size group 10 equal to the applicable minimum price for its size group 8, less 1¢, for all Market Areas.

Notes: Prices as shown in § 324.9, 324.10, 324.11 (b), 324.11 (c) and 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

## § 324.11 Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel—Supplement R-V

Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown, see Schedule of Effective Minimum Prices, § 324.11 (a).

Name of railroad	Mine index Nos.	Additional mine index Nos.
Baltimore & Ohio Railroad Co.	8, 23, 133, 153, 161	Add Mine Index No. 3003
Chesapeake & Ohio Railway Co.	14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 168, 170, 171	Add Mine Index Nos. 761-2970
New York Central System	1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 54, 59, 64, 66, 73, 74, 83, 90, 91, 100, 107, 109, 126, 129, 138, 141, 143, 156, 158, 172	Add Mine Index No. 2960 <sup>1</sup>
Pennsylvania Railroad Co.	11, 25, 31, 42, 43, 49, 50, 55, 56, 57, 62, 65, 67, 69, 81, 94, 111, 114, 115, 132, 152, 162, 165, 169	Add Mine Index Nos. 649, 655, 2404
Wheeling & Lake Erie Railway Co.	166, 9, 24, 26, 32, 42, 43, 52, 81, 99, 102, 122, 127, 135, 145, 154, 157, 164	Add Mine Index Nos. 2960, 3003

<sup>1</sup> Prices as shown for Mine Index No. 14, appearing in the Schedule of Effective Minimum Prices for District No. 4, less 10¢ per ton, will apply to additional Mine Index No. 2960 hereinabove noted, and in addition thereto, the price in size group 10 shall be the same as the applicable minimum price for its size group 8.



§ 324.24 General prices in cents per net ton for shipment into all market areas—  
Supplement T—Continued

Code member index	Mine	Mine Index No.	Base sizes								
			6" lump	3', 4', 5' lump	2' lump	2' x 4' egg	1 1/4' lump, 1 1/4' x 4' egg	Mine run, nut, and pea	2' x 0 slack	3/4" x 0 slack	
SUB-DISTRICT NO. 4—MIDDLE											
COSHOCTON COUNTY											
Gallagher, Sherman & David, Coal Co. (Sherman Gallagher)	Gallagher	2974	6	280	270	200	235	230	195	165	135
HOLMES COUNTY											
Hostetler, Firmen	Hillard Coal Co.	2991	7	275	265	250	235	235	220	190	180
MAHONING COUNTY											
Hutson, T. C., Coal Company, The, c/o Thomas C. Hutson	Vitko Bros.	2988	4	300	290	275	250	245	235	205	195
STARK COUNTY											
Johnson Coal Co.	Johnson Coal Co.	2992	5	275	265	250	235	235	220	190	180
L. & L. Coal Company, The, c/o Roy D. Lloyd	Oberlin	2993	5	275	265	250	235	235	210	190	180
TUSCARAWAS COUNTY											
Bruns, Ernest	Bruns	3003	5 & 6	275	265	250	235	235	210	190	180
Thomas, T. D. (Thomas Bros. Coal Co.)	Thomas	2995	6	275	265	250	235	235	220	190	180
SUB-DISTRICT NO. 5—HOCKING											
HOCKING COUNTY											
Fisk Coal Co. (Vern Fisk)	Fisk	2962	6	295	285	275	250	245	195	165	155
Lee, Clayton M.	C. M. L.	2970	6	295	285	275	250	245	195	165	155
Walker, Lawrence (Lawrence Walker Coal Co.)	Walker	2998	6	295	285	275	250	245	195	165	155
VINTON COUNTY											
Cooperative Mining Association (Maynard R. McDaniel)	Big Four, Hollow No. 1	2961	8	295	285	275	250	245	195	165	155
SUB-DISTRICT NO. 6—CROOKSVILLE											
MUSKINGUM COUNTY											
Bowen, Levi & Charles Reeder	Bowen & Reeder	2994	6	290	270	260	235	230	195	165	165
Kildow, Sr., James	Kildow	2956	7	290	270	260	235	230	195	165	165
Mantz & Eschold Coal Co. (Herbert Mantz)	Fairview	2971	6	290	270	260	235	230	195	165	165
SUB-DISTRICT NO. 8—POMEROY											
MEigs COUNTY											
Christy, George A.	Fancy Lump Coal Co.	2960	8	295	285	275	250	245	195	140	140

[F. R. Doc. 42-2583; Filed, March 25, 1942; 11:32 a. m.]

§ 324.11 Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel—Supplement R-V—Continued

Name of railroad	Mine index Nos.	Additional mine index Nos.
Akron, Canton & Youngstown Railway Co.		
Ann Arbor Railroad Co.		
Canadian National Railways and Grand Trunk Railway System		
Canadian Pacific Railway Co.		
Detroit and Mackinac Railway Company		
Detroit & Toledo Shore Line Railroad Co.		
Erie Railroad		
Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.)		
Pere Marquette Railway Co.		
For all Railroads not shown above	From all Mine Index Nos. 649, 655, 761, 2491, 2492, 2972, 3018. From Mine Index Nos. 3, 5, 7, 8, 12, 13, 14, 24, 36, 37, 43, 45, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add Mine Index Nos. 649, 655, 761, 2491, 2492, 2972, 3018. Add Mine Index Nos. 2960, 2966, 3003.

NOTE: Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

FOR TRUCK SHIPMENTS

§ 324.24 General prices in cents per net ton for shipment into all market areas—  
Supplement T

Code member index	Mine	Mine Index No.	Base sizes								
			1	2	3	4	5	6	7	8	
			6" lump	3", 4", 5" lump	2" lump	2" x 4" egg	2" x 3" egg	1 1/4" lump, 1 1/4" x 4" egg	Mine run, nut, and pea	2" x 0 slack	3/4" x 0 slack
SUB-DISTRICT NO. 1—EASTERN OHIO											
HARRISON COUNTY											
Kibble, Chas. C.	Bellevue #1	12	8	275	265	250	225	220	210	190	180
Rutkowski Brothers (John Rutkowski)	Rutkowski	2972	8	285	275	260	235	230	220	200	190
JEFFERSON COUNTY											
Flaherty, William	Snyder	2975	8	285	275	260	235	230	220	200	190
Paul, William (Paul Coal Company)	Paul Coal	2976	8	285	275	260	235	230	220	200	190
SUB-DISTRICT NO. 3—BERGHOFF											
JEFFERSON COUNTY											
Stephenson & Freshwater (Harry O. Freshwater)	Mason Gray	2973	8	285	275	260	235	230	220	200	190



PART 327—MINIMUM PRICE SCHEDULE,  
DISTRICT No. 7

The following action being deemed necessary in order to effectuate the purposes of the Act:

FOR ALL SHIPMENTS EXCEPT TRUCK

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

†When shown under a size group number indicates no classification effective for this size group.

FOR TRUCK SHIPMENTS

Supplement T

[F. R. Doc. 42-2580; Filed, March 25, 1942; 11:30 a. m.]

Dated: March 11, 1942.

[SEAL.]

DAN H. WHEELER,  
*Acting Director.*

PART 328—MINIMUM PRICE SCHEDULE,  
DISTRICT No. 8

The petition of District Board 8 herein requested a revision of price classifications and effective minimum prices established for truck shipment for the canal coals produced at 14 mines in District No. 8.<sup>1</sup> The testimony of a representative of District Board 8 was to the effect that minimum prices were originally established for the coals in question, but that due to errors in designating the seam in which the coals were produced and in failing properly to reflect the differential between inferior canal coals and the canal coals of this section, the classifications and minimum prices which were established do not properly reflect the relative value of the coals and they are not in proper coordination with other canal coals produced in District No. 8.

It appears that the producers themselves desire the increase requested by

<sup>1</sup>The Notice of and Order for Hearing, dated December 19, 1941, specifically mentioned only eight code member producers. An additional six are named in the petition of the District Board. However, the subject matter in general was stated to be "revision of the minimum prices and change in the seam designations to increase the prices of the cannel coals of certain code members in Morgan County, Kentucky, Subdistrict No. 1 in District No. 8 for truck shipment" and, therefore, since the evidence was directed to the 14 mines, it appears appropriate to grant relief to all fourteen.



the District Board and the request is based in part upon the previous market history of the coal.

The prices and classifications sought by the Board will, it was said, effect proper coordination between the cannel coals to which said prices are applied and the cannel coals of inferior quality, as well as place all mines in Morgan County producing cannel coal on a competitive basis with regard to price.

Upon the basis of the uncontroverted evidence, I find and conclude that the classifications and minimum prices as well as the seam designations shown in the schedule hereto attached for the coals specified therein are proper and should be established; that such classi-

fications and minimum prices conform in all respects to those heretofore established for comparable coals in District No. 8 and will preserve the fair competitive opportunities for the producers of said coal.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof, § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth, and hereby made a part hereof.

Dated: March 13, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

#### DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

#### FOR TRUCK SHIPMENTS OF CANNEL COAL

#### § 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T

Code member index	Mine <sup>1</sup>	Mine index No.	Cannel coal size designations and prices			
			Lump	Egg	Chips	Machine cuttings
SUB-DISTRICT NO. 1—BIG SANDY-ELKHORN— MORGAN COUNTY, KY.						
Adams, Crayton	Adams	3595	350	300	250	160
Adams, Smith & Rennie Gullett	Adams & Gullett	1202	350	300	250	160
Bailey, John	Bailey	1207	350	300	250	160
Barker and Honchul (Preston Barker)	Piedmont	1208	350	300	250	160
Davidson, W. M	Davidson	1209	350	300	250	160
Davis & Vance (Harland Davis)	Davis	3331	350	300	250	160
Easterling, Mort	Easterling	5060	350	300	250	160
Gibson, Arthur	Arthur Gibson	1215	350	300	250	160
Hatton, Sam		2833	350	300	250	160
Mounts, George	Mounts	4041	350	300	250	160
Reed, Andrew	Mayflower	1223	350	300	250	160
Reed, Carmey	Mayflower No. 1	3519	350	300	250	160
Terrell, W. J.	Terrell No. 2	3531	350	300	250	160
Vance, Roy	Vance	3594	350	300	250	160

<sup>1</sup> Indicates a change has been made in the original f.o.b. mine prices and cancels all previous prices for these mines for truck shipments.

[F. R. Doc. 42-2581; Filed, March 25, 1942; 11:31 a. m.]

[Docket No. A-1200]

#### PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR A REVISION OF THE MINIMUM PRICES AND A CHANGE IN THE SEAM DESIGNATIONS FOR THE COALS OF CERTAIN MINES IN LEE COUNTY, VIRGINIA, SUBDISTRICT NO. 7, AND HARLAN COUNTY, SUBDISTRICT NO. 2, IN DISTRICT NO. 8, FOR TRUCK SHIPMENT

This proceeding was instituted upon a petition filed with Bituminous Coal Division by District Board No. 8, pursuant to section 4 II (d) of the Bituminous

Coal Act of 1937. The Board in its petition proposed certain changes in the effective minimum prices heretofore established and certain changes in seam designation for the mines of certain code member producers in Lee County, Virginia and Harlan County, Kentucky.

In accordance with an Order of the Acting Director dated December 19, 1941, and after notice to all interested parties, a hearing was held before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room of the Division at Washington, D. C. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard.

Petitioner, District Board 8, and the Bituminous Coal Consumers' Counsel appeared. The preparation and filing of a report by the Examiner was waived and the record was thereupon submitted to the undersigned.

The petition of District Board 8 herein requested a revision of the price classifications and effective minimum prices for truck shipments for the coals produced at twenty-nine mines located in Lee County, Virginia, and one mine located in Harlan County, Kentucky; and a change in seam name only of four mines in Lee County, Virginia.

The uncontroverted testimony of the representative of District Board 8 shows that minimum prices were originally established for the coals in question but that due to errors in properly designating the seams in which the coals were produced, the classifications and minimum prices which were established do not properly reflect the relative value of the coals and they are not in proper coordination with other coals produced in District No. 8. The effect of the changes proposed would be to establish for the mines listed the proper prices applicable to the coals from the seams in which such mines are actually producing their coals.

It appears that in some cases the change in seam designation will result in an increase in the effective minimum price, while in others the change in seam designation will result in a decrease of the established price. In the case of four mines in Lee County, Virginia, the change in seam designation will not result in any change in prices or classifications. However, according to the testimony, the prices proposed for mines in each of these seams are identical with the prices at present effective for other mines located in the same seam.

The classifications and prices proposed by the Board will, it appears, reflect proper coordination between the coals to which said prices apply and competing coals.

Upon the basis of the uncontroverted evidence, I find that the classifications and minimum prices as well as the seam designations shown in the schedule hereto attached for the coals specified therein are proper and should be established; that such classifications and minimum prices conform in all respects to those heretofore established for comparable coals in District No. 8 and will preserve the fair competitive opportunities for the producers of said coal.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof, § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

Dated: March 10, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.



[Docket No. A-1328]

## PART 332—MINIMUM PRICE SCHEDULE,

DISTRICT NO. 12

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 12 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 12

An original petition, as amended, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 12; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 12

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 332, Minimum Price Schedule for District No. 12 and supplements thereto.

## FOR ALL SHIPMENTS EXCEPT TRUCK

## § 332.2 Alphabetical list of code members—Supplement R

[Listing of code members, mines, mine index numbers and mine origin groups]

Mine index No.	Code member	Mine	Mine origin group	Originating railroad	Mine origin group No.
811	Burk, Harold (H. B. Coal Co.)	H. B. Coal Co.	Hamilton	Wabash & CB&Q	38
796	Premium Coal Co. (Glen A. Beebout)	Premium Coal Co.	Knorrville	CB&Q	39

1 Indicates mine shipping via public sidings and ramp for railway delivery.

## DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

## FOR TRUCK SHIPMENTS

## § 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T

Code member index	Mine	Seam	Mine Index No.	Base sizes *							
				Lump over 4" x 6", egg	Lump 2" x 6", egg	Lump 1 1/2" x 6", egg	Lump 3/4" and under	Reg 2" x 4", egg 2" x 4"	Stove 3" and under, 2" and under	Straight mine run	2" and under slack
SUBDISTRICT NO. 2—HARLAN HARLAN COUNTY, KY.											
Willis, O. E.			1308 No. 5.	295	275	225	245	215	215	170	165
SUBDISTRICT NO. 7—VIRGINIA LEE COUNTY, VA.											
Baker, J. W.	Baker		2146 No. 5.	295	275	225	245	215	215	170	165
Baker, Samp.	Samp Baker		2147 No. 3.	295	245	215	220	205	205	155	150
Barker, Lawrence	Barker's		2149 Mohawk.	295	245	215	220	205	205	155	150
Beverly, W. N.	W. N. Beverly		2150 No. 3.	295	245	215	220	205	205	155	150
Bledsoe, Wm	Bledsoe		2151 Penn Lee	295	245	215	220	205	205	155	150
Clark, Dewey	Mill Branch		2154 Mohawk	295	245	215	220	205	205	155	150
Davidson & Spears (B. F. Davidson)	B. F. Davidson		2179 Pinhook	295	245	215	220	205	205	155	150
Fleener, Milum	Fleener Coal Co.		2803 Imboden	295	245	215	220	205	205	155	150
Garrett, J. P.	J. P. Garrett		2161 Mohawk	295	245	215	220	205	205	155	150
Herron & Short (D. H. Herron)	Herron & Short		2164 Mohawk	295	245	215	220	205	205	155	150
Head, Mike	Mike Head		2165 No. 3.	295	275	225	245	215	215	170	165
Holley, R. W. & J. H. Addington	Mohawk Coal Co.		2167 Mohawk	295	245	215	220	205	205	155	150
Hunt, James K.	Maggard Brothers		2169 Pinhook	295	245	215	220	205	205	155	150
Kurd, A. H.	Newton		2185 Mohawk	295	245	215	220	205	205	155	150
Kelly, H. C.	Phelan Coal Co.		2188 Penn Lee	295	245	215	220	205	205	155	150
Kirk, T. I.	Phelan		2189 Imboden	295	245	215	220	205	205	155	150
Lambert, T. E.	T. E. Kirk's		2170 Mohawk	295	245	215	220	205	205	155	150
Maness & Son (R. F. Musick)	Maness & Son		2868 Penn Lee	295	245	215	220	205	205	155	150
Musick & Son (Robert W. Musick)	Musick & Son		2191 No. 5.	295	275	225	245	215	215	170	165
N 5 Coal Co. (Robert W. N 5 Coal Co.)	N 5 Coal Co.		2178 No. 5.	295	275	225	245	215	215	170	165
Parsons & Sons, E. F. (Haven Parsons)	Parsons #1 & #3.		2181 No. 3.	295	245	215	220	205	205	155	150
Payne, J. H.	Mill Branch		2184 Mohawk	295	245	215	220	205	205	155	150
Pennington, W. R.	Payne		2185 Imboden	295	245	215	220	205	205	155	150
Puckett Creek Coal Corp.	Puckett Creek		2655 No. 5.	295	275	225	245	215	215	170	165
Redwine, R. N.	Redwine Coal Co.		2656 No. 5.	295	275	225	245	215	215	170	165
Reeds Creek Coal Company	Fern Branch		2186 No. 3.	295	245	215	220	205	205	155	150
Ridge Mountain Coal Corp., c/o A. T. Pennington, Sr.	Ridge Mt'n Coal Corp.		2189 No. 4.	295	245	215	220	205	205	155	150
Ridings, Julius F.	Ridings		2184 Imboden	295	245	215	220	205	205	155	150
Turnbull, E. E.	Turnbull		2895 Imboden	295	245	215	220	205	205	155	150
Vanzant, W. H.	Stapleton		2195 Penn Lee	295	245	215	220	205	205	155	150
Welch, Fred	Welch		2200 Imboden	295	245	215	220	205	205	155	150
Vernon, W. M.	W. M. Vernon		2196 Imboden	295	245	215	220	205	205	155	150
West, Harvey	Coffman		2830 No. 5.	295	275	225	245	215	215	170	165

\* Change in designation for all seams shown below.

\* Indicates a change has been made in Original F. O. B. mine price, and applies to each size group.

[F. R. Doc. 42-2579; Filed, March 25, 1942; 11:30 a. m.]

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 332.2 (Alphabetical list of code members) is amended by adding thereto Supplement R, and § 332.24 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are herein-after set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: March 11, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.



## FOR TRUCK SHIPMENTS

§ 332.24 General prices in cents per net ton for shipment into all market areas—  
Supplement T

Code member index	Mine name	County	Mine No.	Group No.	Chunk	Standard lump	Egg 8 x 2", 6 x 2"	Small egg 4 x 2", 3 x 1 1/2"	Mine run	Nut 2 x 1 1/4", 1 1/4 x 3/4"	Dom. stoker 1 1/4, 1 x 5/16"	Screenings 2" 1 1/2", 1 1/4 x 0	Ind. Stoker Gr. 2", 1 1/2"	1 1/4" x 0	3/4" x 0
					1	2	3	4	5	6	7	8	9	10	10
Burk, Harold (H. B. Coal Co.)	H. B. Coal Co.	Marion	811	18	300	290	280	270	270	270	270	160	220	100	
Froml, Joe & E. J. Hawks	No. 2	Wapello	808	10	300	290	280	270	270	270	270	185	245	100	
Harris, Milton (White Oak Coal Co.)		Marion	810	18	300	290	280	270	270	270	270	160	220	100	
Peters Bros. (Dan Peters)	Peters Bros.	Mahaska	809	22	315	305	295	285	275	275	275	170	230	100	

[F. R. Doc. 42-2582; Filed, March 25, 1942; 11:31 a. m.]

[Docket No. A-1049, Part II]

PART 333—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 13

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE RIVERSIDE MINE (MINE INDEX NO. 1261) OF THE PRATT-AMERICAN COAL COMPANY, AND THE CROSS ROAD MINE (MINE INDEX NO. 171) OF L. B. BAIRD

A petition having been filed in Docket No. A-1049 with the Bituminous Coal Division on September 4, 1941, by District Board No. 13, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of price classifications and minimum prices for certain coals in District 13 for all shipments except truck and for truck shipments;

Temporary relief (which has since become permanent) having been granted in Docket No. A-1049 by Order of the Director dated October 17, 1941; 6 F.R. 5672, for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 13, and specifically denying relief to the Riverside Mine (Mine Index No. 1261) of Pratt-American Coal Company, and Cross Road Mine (Mine Index No. 171) of L. B. Baird, these mines being affected by unique considerations set forth in a separate Order of the Director dated October 17, 1941, 6 F.R. 5651, severing from Docket No. A-1049 and designating as Docket No. A-1049, Part II that portion of the Docket relating to Mine Index No. 1261 and Mine Index No. 171;

A hearing having been held in this matter pursuant to an Order of the Director, on November 19, 1941, before Joseph D. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, ad-

duce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having been submitted to the undersigned;

The undersigned having made Findings of Fact, Conclusions of Law, and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That commencing fifteen (15) days from the date of this Order, § 333.6 (General prices) is amended by adding thereto Supplement R-I, § 333.7 (Special prices)—(a) Prices for shipment to all railroads and for exclusive use of railroads) is amended by adding thereto Supplement R-II, and § 333.34 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof and the shipping points designated therein for Mine Index Nos. 1261 and 171 shall be in lieu of those previously designated.

It is further ordered, That the prayers of the original petition are granted to the extent set forth above, and in all other respects are denied.

Dated: March 17, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

## DISTRICT NO. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

## § 333.6 General prices—Supplement R-I

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
WINSTON COUNTY, ALA.					
171	Baird, L. B. (L. B. Baird Coal Co.)	Cross Road	1	Black Creek	114

Shipping Points: Natural Bridge, Ala., Eldridge, Ala. Railroads: Southern SL&SF. This mine shall have the same prices in size groups 1, 4 and 13 on all price tables as listed for mine with Index No. 14. This mine shall have a price in size group 23 on all price tables, 10¢ under the price listed in size group 18 for mine with Index No. 14.

## § 333.7 Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads—Supplement R-II

[Prices f. o. b. mines for shipment to all railroads and for the exclusive use of railroads]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
WALKER COUNTY, ALA.					
1261	Pratt-American Coal Co.	Riverside	1	Pratt	122

Shipping Points: Colta, Ala., Cordova, Ala. Railroads: L&N, Southern. This mine shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with Index Numbers 1, 2, 3, etc. (See § 333.7 (a) in Minimum Price Schedule.)



§ 333.34 General prices in cents per net ton for shipment into all market areas—Supplement T

Code member index	Mine	Mine index No.	Sub-district	Scam	Lump: top size over 6" under 8"	Egg: top size 6" under 8"	Lump: top size 2' and under 3' under 4'	Nut: top size 3' and under 4' under 5'	Chestnut: top size 1 1/2" and under 3' under 4' under 5'			Run of mine, modified R/M			Resiliants: 3" and under 4" under 5"			Screens: 1 1/2" and under 3"	Indus-trial coal
									Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw	
ALABAMA																			24,25,26
WALKER COUNTY																			
Pratt-American Coal Co.	Riverside	1261	2	Pmtt.	325	325	320	310	295	310	315	305	290	285	270	250	265	220	205
WINSTON COUNTY																			
Baird, L. B. (L. B. Baird Coal Co.)	Cross Road	171	2	Black Creek	385	385	380	335	315	305	310	300	290	285	275	265	225	200	290

[F. R. Doc. 42-2578; Filed, March 25, 1942; 11:30 a. m.]

**TITLE 32—NATIONAL DEFENSE**  
**Chapter IX—War Production Board**  
**Subchapter B—Division of Industry Operations**  
**PART 932—CORK AND PRODUCTS AND MATERIALS OF WHICH CORK IS A COMPONENT**

**AMENDMENT NO. 1 OF GENERAL PREFERENCE ORDER NO. M-8-A**

Section 932.2 (General Preference Order No. M-8-a) is hereby amended as follows:

Paragraph (a) (2) is amended to read as follows:

§ 932.2 *General Preference Order M-8-a.* (a) \* \* \* (2) The term "Supplier" is hereby defined as any person in the United States who engages in the importation, sale, manufacture, or processing of Cork, or in the importation of manufactured Cork in finished or semi-finished form.

Paragraph (e) (2) is amended to read as follows:

(e) \* \* \* (2) Notwithstanding any general authorization for the processing or delivery

16 F. R. 5007, 5290.

of finished crowns granted in any monthly allocation schedule, except as authorized by the Director of Industry Operations no person shall make or receive delivery of crowns with cork discs, except for defense orders, for retail delivery for home usage, or for delivery beyond the limits of the continental United States, unless the purchaser to whom such crowns are to be delivered shall furnish to the seller a properly executed certificate on Form PD 384, certifying that the total of the crowns to be delivered under such certificate, all other crowns with cork discs owned or controlled by the purchaser, and all undelivered crowns with cork discs of which delivery has been requested by the purchaser, do not exceed 20% of the crowns with cork discs used or resold by the purchaser during the calendar year 1941.

Paragraph (f) is amended to read as follows:

(f) *Effective date.* This Order shall take effect on the First day of October, 1941; and shall continue in effect until revoked. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6880; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th

Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This amendment shall take effect immediately.

Issued this 26th day of March 1942.

J. S. KNOWLSON,  
*Director of Industry Operations.*

[F. R. Doc. 42-2638; Filed, March 26, 1942; 11:46 a. m.]

**PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT**

**AMENDMENT NO. 1 TO SUPPLEMENTARY ORDER NO. M-15-B-1 TO RESTRICT THE USE AND SALE OF RUBBER**

Section 940.5 (*Supplementary Order No. M-15-B-1*) is hereby amended as follows:

1. By changing subparagraph (b) (7) thereof to read as follows:

(7) Tires, tire casings, tire tubes, capping stock and camberback and compounds therefor. List 7

2. By substituting the attached lists designated Lists 6 and 7 for Lists 6 and

17 F. R. 967.

7, respectively, now attached to such Order.

3. By changing subdivision (a) of List 9 attached thereto to read as follows:

(a) Compounds used in the manufacture of tires and tire casings to fill War Orders shall be prepared in accordance with the specifications set forth in subdivision (a) of List 7 attached to this Order as such List may be revised from time to time.

4. By inserting the following new paragraph at the end of subdivision (b) of List 9 attached thereto:

With the types of formulas specified above, and with mold and gauges selected, a manufacturer can calculate the maximum amounts of rubber and whole tire reclaimed rubber which may be used in the manufacture of a tire or tire casing of any specified type and size. Within the maximum amounts of rubber and whole tire reclaimed rubber may be thus calculated, a manufacturer may in his discretion, shift the amounts between friction and tread, but may not use in the manufacture of any tire or tire casing more rubber or more whole tire reclaimed rubber than would be used in the manufacture of such tire or tire casing if the above specifications for



tread and friction were followed, after allowing for tolerances permitted.

5. By changing subdivision (g) of List 9 attached thereto to read as follows:

(g) Maximum material volumes of tire tubes for passenger automobile tires and truck tires shall be subject to the limitations for those types of tubes as set forth in subdivision (d) of List 7 attached to this Order, as such List may be revised from time to time.

6. By inserting the figure "0" opposite the words "Twist to left—maximum degrees per foot" in each of the columns headed "1½ inch" and "2½ inch" under the heading "Single Jacket" in paragraph (8) of List 10 attached thereto.

7. By inserting the following new subparagraph immediately after subparagraph (b) (10) thereof:

(11) Truck tire flaps. List 11.

8. By attaching thereto the attached additional list designated List 11.

This Order and the specifications set forth in the lists attached hereto become effective on March 23, 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 25th day of March, 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

List 6—Specifications for the manufacture of water-proof boots, pacs, arctics, gaiters and overshoes. (1) All such products shall be manufactured in a black color only.

(2) No rubber shall be used for label plasters.

(3) Production shall be confined to the following types, and the average amount of Rubber per pair used in the manufacture of each type shall not be greater than the indicated maximum weight:

	Average weight of rubber (in pounds) maximum
<b>Boots:</b>	
Men's short.....	1.25
Women's short.....	.75
Men's storm king.....	2.00
Men's hip.....	2.30
<b>Pacs:</b>	
Men's 12" toplace pac.....	1.05
Men's lumber overs, half heel.....	.80
<b>Arctics:</b>	
Men's 5-buckle rubber midweight bal.....	1.15
Men's 4-buckle rubber midweight bal.....	1.05
Men's 4-buckle cloth farmweight blucher.....	.90
Men's 4-buckle height lightweight bal-rubber.....	.75
Boy's 3-buckle lightweight bal-rubber.....	.62
Youth's 3-buckle lightweight bal-rubber.....	.53
Women's 4-buckle height lightweight bal-rubber.....	.54
Men's 4-buckle lightweight cloth.....	.65

No. 60—3

	Average weight of rubber (in pounds) maximum
<b>Gaiters:</b>	
Women's 2-snap or slide rubber.....	.30
Misses' 2-snap rubber.....	.30
Child's 2-snap rubber.....	.27
<b>Rubbers:</b>	
Men's storms and/or semi-storms.....	.60
Boy's storms.....	.50
Men's storms and/or S. A. overs (full lined).....	.35
Boy's storms and/or overs (full lined).....	.30
Youth's storms and/or overs (full lined).....	.25
Women's overs (full lined).....	.25
Growing girls' storms (full lined).....	.27
Misses' storms (full lined).....	.20
Child's storms (full lined).....	.20
Women's over-toe-rubbers.....	.13

List 7—Specifications for the manufacture of tires, tire casings, tire tubes and capping stock and compounds therefor—  
(a) Compounds.

Description of product	Maximum percent by volume		
Type	Grade	Rubber	Whole tire reclaimed rubber
(1) Tread, capping stock and camelback compounds.....	A	73	0
	B	59.5	17.5
	C	47.9	31.4
	D	40.4	41.3
	E	26.0	57.0
	F	0	89.3
(2) Passenger friction compounds.....	A	93.8	0
	B	78.0	15.2
	C	59.8	34.2
	D	43.2	50.3
	E	18.8	73.1
	F	0	90.2
	FF	6.4	85.0
(3) Truck friction compounds.....	A	88.5	0
	B	77.0	9.3
	C+	68.9	24.7
	C	59.8	34.2

Variations from the above specifications are permitted as follows:

Rubber..... Plus 0, minus 2.  
Whole tire reclaimed rubber..... Plus 2, minus (not limited).

In the event that no friction compound or tread compound in use by any person on January 26, 1942, contains as large a percentage of rubber as specified above, such person shall not use or adopt the grade A friction compound or the grade A tread compound without the prior approval of the Director of Industry Operations.

(b) *Tire casings and solid tires.* The friction and the tread, respectively, of each of the classes of tire casings and solid tires listed below shall be made from one of the grades of compounds listed in subdivision (a) of this list, the appropriate grade of compound to be used for each such respective friction or tread being that hereinbelow specified therefore opposite the description or designation of such class (provided that in no event shall any such tire herein required to be made of both grade F friction compound and grade F tread compound contain more than one pound Rubber:

tion compound and grade F tread compound contain more than one pound Rubber:

Description of product	Compounds to be used	
	Passenger friction	Tread
(1) Passenger automobile tires, standard grade.....	F	F
(2) Passenger automobile tires, premium grade, size 7.50 and larger.....	B	B
(3) Passenger automobile tires, premium grade, size 7.00 and smaller.....	C	B
(4) Road grader or road builder tires for drop center rims.....	E	C
(5) Agricultural equipment tires, garden tractor.....	F	F
(6) Agricultural equipment tires, implements and tractors, size 6.50 and larger.....	E	C
(7) Agricultural equipment tires, implements and tractors, size 6.00 and smaller.....	F	F
(8) Agricultural equipment tires, fronts, 6.00 and smaller.....	F	C
(9) Motorcycle tires.....	C	A
(10) Mileage tires, taxi.....	C	C
(11) Industrial pneumatic tires.....	D	C
(12) Industrial solid tires.....		A
(13) House trailer tires.....	E	F

Description of product	Truck friction	
	Truck friction	Tread
(1) Truck tires, 17-24 inch rims, size 6.50 and smaller.....	C+	C
(2) Truck tires, 17-24 inch rims, size 7.00, 8 ply and less.....	C+	C
(3) Truck tires, 17-24 inch rims, size 7.50, 8 ply and less.....	B	B
(4) Truck tires, 17-24 inch rims, size 7.60 to 7.50, inclusive, more than 8 ply.....	A	C
(5) Truck tires, for 15 inch flat base rims, 7.50 and larger, more than 8 ply.....	A	B
(6) Truck tires, 17-24 inch rims, size 8.25 and larger.....	A	B
(7) Truck tires, 13-16 inch rims, 8 ply and less.....	C	C
(8) Truck tires, 13-16 inch rims, more than 8 ply, except 7.50 section and larger for 15-inch flat base rims.....	A	C
(9) Off highway, heavy service tires 8 ply or less.....	B	C
Road grader or road builder tires for flat base rims. Rock tires. Earth movers. Mud and snow tires larger than 14 inches.		
(10) Off highway, heavy service tires 10 ply or more.....	A	A
Road grader or road builder tires for flat base rims. Rock tires. Earth movers. Mud and snow tires larger than 14 inches.		
(11) Mileage tires, city busses.....	B	C
(12) Mileage tires, intercity busses.....	A	A

With the types of formulas specified above, and with mold and gauges selected, a manufacturer can calculate the maximum amounts of Rubber and whole tire reclaimed rubber which may be used in the manufacture of a tire or tire casing of any specified type and size. Within the maximum amounts of Rubber and whole tire reclaimed rubber thus calculated, a manufacturer may, in his discretion, shift the amounts between friction and tread, but may not use in the manu-



facture of any tire or tire casing more Rubber or more whole tire reclaimed rubber than would be used in the manufacture of such tire or tire casing if the above specifications for tread and friction were followed, after allowing for tolerances permitted.

(c) *Capping stock and camelback.* (1) Capping stock and camelback shall be manufactured only from compounds of Grade C, as listed in subdivision (a) (1) of this list.

(2) Capping stock and camelback may be manufactured only in gauges of 10/32, 12/32, 14/32, 16/32, 18/32, 20/32, 22/32, and larger.

(d) *Maximum material volume of tire tubes.* No tire tube of any of the classes listed below shall be manufactured with a material volume in excess of the volume specified for such class as set forth below opposite the description or designation of such class:

Description of product		Maximum material volume (in cubic inches)
Type	Size	
Passenger automobile tire tubes.	5.50-15	51.2
	CD 16	57.8
	6.50-15	66.6
	7.00-15	72.2
	D-16	72
	7.50-15	89.4
	7.50-16	93.2
	A-20/21	42.8
	B-17/18	46.9
	C-17	56.1
Truck tire tubes 15- and 16-inch rims.	7.00-17	75.2
	7.50-17	93.4
	6.00-16	65
	6.50-16	75
	7.00-15	85
	7.00-16	89
	7.50-15	103
	7.50-16	108
	9.00-16	191
	10.00-16	220
Truck tire tubes 20-inch rims or larger.	6.00-20	75
	6.50-20	102
	7.00-20	135
	7.50-20	175
	8.25-20	197
	9.00-20	235
	10.00-20	300
	11.00-20	350
	12.00-20	450
	13.00-20	525
Agricultural equipment tires.	14.00-20	670
	4.00-12	25.3
	5.00-15	38.6
	6.00-9	36.8
	6.00-16	59.0
	DM 16	70.5
	6.50-32	137.8
	FM-24	153.5
	8.50-10	-----
	9.00-25	223.0
	HM 28	302.0
	KM 28	414.0
	5-40	92.5
	5.5-40	92.5
	6-40	118.0
	7-32	112.0
	8-32	157.0
	9-32	220.0
	10-25	242.0
	11-25	302.0
	12-30	385.5
	13-30	440.0
	14-30	498.0
	15-30	595.0

Variations from the above maximum volumes shall be permitted to the extent of minus 3 per cent.

Sizes not specifically set forth shall have maximum volumes proportionate to the sizes listed.

In the event that the maximum volume herein permitted for a tube of a given type and size manufactured by any person on the effective date of this order is less than the maximum indicated above, such person shall make no change in the maximum volume of such tube as then manufactured by him without the prior approval of the Director of Industry Operations.

The foregoing restrictions on material volume of tire tubes do not apply to tire tubes for use with mileage tires.

List 11—Specifications for the manufacture of truck tire flaps—In the manufacture of truck tire flaps to fill all orders, including War Orders, but excluding mileage accounts, the maximum amount of Rubber per flap shall not exceed the amount set forth in the following table opposite the description of each type and size of flap:

Tire size	Rim width	Rim type	Maximum amount of rubber (in pounds)	Remarks
6.00-16	4.50	Semi Drop Centre	0.65	Figures on crude rubber apply with or without bead lock.
6.50-16	4.50	Semi Drop Centre	.65	
7.00-16	5.50	Semi Drop Centre	.80	
7.50-16	5.50	Semi Drop Centre	.80	
6.00-16	4.50	Split Wheel	(1)	
9.00-16	5.50	Split Wheel	1.75	
10.00-16	6.50	Split Wheel	1.75	
6.00-20	3.75	Conventional	.60	
6.50-20	3.75	Conventional	.60	
7.00-20	4.33	Conventional	.85	
7.50-20, 8 ply	6.00	Conventional	1.15	With bead lock the limits may be increased 10% because of additional length required.
7.50-20, 10 ply	5.00	Conventional	1.35	
8.25-20	5.00	Conventional	1.35	
9.00-20	5.00 6.00	Conventional	1.60	
10.00-20	6.00 7.33	Conventional	2.20	
11.00-20	7.33	Conventional	2.50	
12.00-20	8.37	Conventional	2.70	
13.00-20	8.37	Conventional	2.70	
14.00-20	8.37 10.00	Conventional	3.65	
7.50-20	6.00	Split Wheel	1.60	
8.25-20	6.00	Split Wheel	1.60	
9.00-20	6.00	Split Wheel	1.60	
12.00-20	10.00	Split Wheel	3.00	
14.00-20	10.00	Split Wheel	3.65	
9.00-13	(5.50 D. C.) (6.50 Split)		1.45	

<sup>1</sup> None (usually no flap is used).

Sizes not listed shall be in proportion to sizes shown.

In the event a manufacturer on February 15, 1942 was using less Rubber in any type or size of flap than the maximum amount listed above, he shall not increase the amount of Rubber which he uses in manufacturing flaps of the same type or size.

[F. R. Doc. 42-2608; Filed, March 25, 1942; 4:06 p. m.]

#### PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

##### AMENDMENT NO. 2<sup>1</sup> TO SUPPLEMENTARY ORDER NO. M-15-b-1 TO RESTRICT THE USE AND SALE OF RUBBER

Section 940.5 (Supplementary Order No. M-15-b-1) is hereby amended as follows:

1. By inserting the following new subparagraph immediately after subparagraph (b) (11) thereof:

(12) Specifications for the manufacture of insulated wire and cable. List 12.

<sup>1</sup> See also Amendment No. 1, *supra*.

2. By attaching thereto the attached additional list designated List 12.

This Order and the specifications set forth in the list attached hereto shall become effective on April 1, 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 25th day of March 1942.

J. S. KNOWLSON,

Director of Industry Operations.

#### List 12—Specifications for the manufacture of insulated wire and cable—(a) Compounds.

Type	Grade	Maximum percent by volume		Trade identification
		Rubber	Scrap rubber	
(1) Insulations	A	55	14	Performance type otherwise known as ASTM D-353-1941.
	B	35	18	ASTM D-353-Emergency ASTM D-574.
	C	13	60	Code Grade 2/11/42.
(2) Jackets	D	50	35	ASTM D-532-Emergency.

For each percent of rubber by volume reduced, reclaim and scrap rubber may be increased 2.5% by volume.

(b) *Insulated wire and cable.* Insulations and jackets of each of the classes of wire and cable listed below shall be made from one of the grades of compounds listed in subdivision (a) of this specification, the appropriate grade of compound to be used for



insulation or jacket being that hereinbelow specified therefor opposite the description or designation of such class.

Type of service	Operating voltage	Compounds for		Outer covering
		Insulation	Jacket	
(1) Building wire and general service in dry locations.	0-3000..... 3001-5000..... 5001 and over..... Any.....	C C B B	None None None None	Fibrous or Lead. Lead. Fibrous. Fibrous or Lead.
(2) For general service in wet or damp locations.	3001 and over..... Any.....	B A	None None	Lead or Impervious sheath. Fibrous.
(3) For general service at copper temperatures above 60° C., motor leads and for severe mechanical conditions.	Any.....	A	None	Fibrous, Lead or Impervious sheath.
(4) Portable heavy duty service of the following kinds only: (i) Electric power shovels and dredges. (ii) Mining locomotives and machinery. (iii) Welding machinery and power leads. (iv) Portable drills and tools. (v) Electrically driven construction machinery, including air compressors, cement mixers, conveyors, hoists, cranes, locomotives and public conveyances. (vi) Oil well exploration cable.	0-5000.....	B	D	
(5) Portable appliance service cords.	0-600.....	C	None	Fibrous.
Provided that compound (D) may be used as a jacket in the manufacture of three conductor type POSJ-32 cord for use in lengths not exceeding one foot between wet-proof electric heating pads and heat control switches; and provided further that compound C may be used as a jacket in the manufacture of type PWP cord.				
(6) Automotive Ignition cable.	Any.....	B	None.	Fibrous.
(7) Compounds used for manufacturing cable tape shall contain no Rubber and not more than 80% by volume of Reclaimed and Scrap Rubber, and shall be applied only to one face.				
(8) No Rubber, Latex or Reclaimed and Scrap Rubber shall be used as insulation on the neutral wire of a grounded neutral system.				
(9) Rubber jackets, belts or sheaths shall not be used in wire or cable except as provided in section (4) above.				

[F. R. Doc. 42-2609; Filed, March 25, 1942; 4:07 p. m.]

#### PART 949—CHROMIUM

##### SUPPLEMENTARY ORDER M-18-b—TO CONSERVE THE SUPPLY AND DIRECT THE DISTRIBUTION OF CHROMIUM

Whereas, increasing national defense requirements, including the need for adequate reserves occasioned by the uncertainty of future shipments from abroad have created a shortage in the supply of Chromium (as hereinafter defined) for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States further to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

##### § 949.3 Supplementary order M-18-b—

(a) *Restrictions on use of chromium—*  
(1) *Prohibited uses.* Hereafter the use or consumption by any person of Chromium in the manufacture or processing of roofing materials, ceramics, soap or glass is prohibited.

(2) *Curtailment in certain uses.* Hereafter the aggregate Chromium oxide content of Chromium which may be used by any person in the following processes shall be curtailed or restricted to the following quantities:

(i) In the manufacture of chromium pigment (also known as dry colors) in any one calendar month commencing with March, 1942 to not more than ninety per-

cent (90%) of one-twelfth of the aggregate weight of such oxide content consumed by him for such purpose during the base period.

(ii) In the manufacture of chromic acid in any one calendar month commencing with March 1942 to not more than eighty percent (80%) of one-twelfth of the aggregate weight of such oxide content consumed by him for such purpose during the base period.

(iii) In leather tanning in any one calendar month commencing with March 1942 to not more than ninety percent (90%) of one-twelfth of the aggregate weight of such oxide content consumed by him for such purpose during the base period.

(iv) In any use of chromium other than the uses specified in subdivisions (i) (ii) and (iii) of this subparagraph, in any calendar month commencing with March 1942 to not more than one hundred percent (100%) of one-twelfth of the aggregate weight of such oxide content consumed by him in such use during the base period: *Provided, however,* That nothing herein shall be construed to restrict in any way any metallurgical or refractory use of chromium.

(v) In the case of any person requiring chromium for any use specified in this subparagraph but who was not a consumer in the base period, his permitted consumption shall be in the same proportions hereinabove indicated, but shall be based on his consumption during the month of September, 1941.

(b) *Restrictions on inventories.* No consumer of chromium shall accept delivery of chromium if the quantity of chromium accepted, taken together with the chromium then on hand, will, in terms of aggregate chromium oxide content, exceed an amount of chromium equal to one-twelfth of the aggregate weight of such oxide content used during the base period, or if such consumer was not in the business of using chromium continuously during the base period then an amount of chromium equal to the aggregate weight of such oxide content used during September, 1941: *Provided, however,* That the limitations of this paragraph shall not apply to chromium to be used for metallurgical and refractory purposes and that chromium used for such purposes in the base period (or September, 1941) shall not be taken into account: *And provided further,* That this paragraph shall not be construed to prevent any consumer from accepting delivery of his normal purchasing unit of chromium (for example, can, drum or carload) if such acceptance does not operate to give him a greater supply of chromium in the aggregate than one-sixth of the aggregate weight of such oxide content used during the base period.

(c) *Reports by consumers of primary chromium chemicals.* Except as specifically authorized by the Director of Industry Operations, no processor or dealer shall make, and no person shall accept, delivery of primary chromium chemicals in any month unless the person seeking delivery shall on or before the 8th day of such month have filed with the Processor a report on Form PD-54 and have sent a copy thereof to the War Production Board, or, if the delivery is made or accepted prior to the 8th day of a month, have filed such report and sent such copy on or before the 8th day of the preceding month. The filing of such form shall, in so far as concerns primary chromium chemicals, be in lieu of the filing of any form pursuant to paragraph (e) of General Preference Order M-18-a.

(d) *Additional restrictions on sales and deliveries.* (1) No processor or dealer shall knowingly sell or, directly or indirectly, deliver or cause to be delivered any chromium for any one or more of the uses specified in paragraph (a) (2) hereof in greater quantities than are therein specified nor for any use prohibited by paragraph (a) (1) hereof; and no Dealer or Consumer shall accept deliveries of chromium for any one or more of the uses specified in paragraph (a) (2) in greater quantities than for permitted consumption and inventory or for any prohibited use.

(2) No processor or dealer shall knowingly sell or, directly or indirectly, deliver or cause to be delivered any chromium intended for use in wood preserving unless a preference rating of A-10 or higher has been assigned to the order submitted to such Processor or Dealer for the material intended for such use.



(e) *Definitions.* For the purposes of this Order:

(1) "Chromium" means and includes:

(i) Chromium ores or concentrates;  
(ii) The element chromium in pure form, ferrochromium, chrom-x, chrome briquettes, and other combinations of the element chromium with other elements in semimanufactured or manufactured form, commercially suitable for use in the manufacture of steel or for other metallurgical purposes;

(iii) All chemical combinations having chromium as an essential and recognizable component.

(iv) Those products containing chromium known commercially as refractories or refractory materials;

(v) All scrap or secondary material containing chromium as defined in (i), (ii), and (iii) above.

(2) "Primary chromium chemicals" means and includes bichromate of soda, bichromate of potash, sodium chromate and chromium tanning compounds.

(3) "Producer" means any person who mines or otherwise produces natural materials containing recoverable quantities of chromium.

(4) "Processor" means any person who uses ores or concentrates for the manufacture of, or which he converts into, chromium chemicals, chromium refractories or metallurgical forms of chromium.

(5) "Dealer" means any person who procures chromium either by importing or from domestic sources for sale without change in form, whether or not such person receives title to or physical delivery of the material, and includes selling agents, warehousemen, and brokers.

(6) "Base Period" means the period July 1, 1940 to June 30, 1941.

(f) *Miscellaneous provisions.*—(1) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Intra-company transactions.* The prohibitions or restrictions contained in this Order with respect to deliveries shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise owned or controlled by the same person.

(3) *Violations.* Any person affected by this Order, who violates any of its provisions, or a provision of any other order, direction or regulation issued by the Director of Industry Operations, may be prohibited by the Director from making or receiving further deliveries of Chromium or of any other material subject to allocation, or he may be subjected

to any other or further action which the Director may deem appropriate.

(4) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonable disproportionate compared with the amount of chromium conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board, Ref: M-18-b, attention Chemicals Branch, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(5) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public Law 671, 76th Cong., 3d sess., as amended by Public Law 89, 77th Congress, 1st sess.)

Issued this 26th day of March 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-2637; Filed, March 26, 1942;  
11:44 a. m.]

#### PART 978—UTILITIES—MAINTENANCE, REPAIR, AND SUPPLIES

##### PREFERENCE RATING ORDER P-46 AMENDED TO MARCH 26, 1942

Preference Rating Order P-46, as heretofore amended, is hereby amended to read as follows:

§ 978.1 *Preference Rating Order P-46*—(a) *Definitions for the purpose of this Order.* (1) "Producer" means any individual, partnership, association, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, engaged in, or constructing facilities for the purpose of engaging in, one or more of the following services, and includes any such Producer whether or not such Producer has applied the preference rating herein assigned:

(i) Supplying electric power directly or indirectly for general use by the public.

(ii) Supplying gas, natural or manufactured, directly or indirectly for general use by the public.

(iii) Supplying water directly or indirectly for general use by the public.

(iv) Supplying public sanitation services, but not including manufacturers of public sanitation products.

(v) Supplying central steam heating directly or indirectly for general use by the public.

(2) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(3) "Maintenance" means the upkeep of a Producer's property and equipment in sound working condition.

(4) "Repair" means the restoration of a Producer's property and equipment to sound working condition after wear and tear, damage, destruction of parts, or the like have made such property or equipment unfit or unsafe for service.

(5) "Operating Supplies" means:

(i) Material which is essential to the operation of any of the industries or services specified above and which is generally carried in Producer's stores and charged to operating expense accounts.

(ii) Material for additions to or expansion of property or equipment provided that such additions to or expansion of property or equipment shall not include any work order, job, or project in which the cost of Material shall exceed \$1,500 in the case of underground construction and \$500 in the case of other jobs and provided further that no single job shall be subdivided into parts in order to come below these limits.

(6) The terms "Operating Supplies", "Maintenance", and "Repair" include only Material which is essential to minimum service standards, and do not include Material for the improvement of a Producer's property or equipment through the replacement of Material which is still usable in the existing installation with Material of a better kind, quality, or design.

(7) "Supplier" means any person with whom a purchase order or contract has been placed for delivery of Material to a Producer or another Supplier.

(8) "Calendar Quarterly Period" means the quarterly periods commencing on the first day of the first, fourth, seventh, and tenth months of the calendar year and ending, respectively, on the last day of the third, sixth, ninth, and twelfth months of the calendar year, or the Producer's customary accounting periods closest to such periods.

(b) *Assignment of Preference Rating.* Subject to the terms of this Order the following Preference Ratings are hereby assigned:

(1) *Producers.* (i) A-2 to deliveries, to a Producer, of Material which is required by him for the Maintenance and Repair of production and pumping plant facilities, and to deliveries of Operating Supplies for such facilities.

(ii) A-5 to deliveries, to a Producer, of Material required by him for the Maintenance and Repair of all other facilities, and to deliveries of Operating Supplies for such facilities.

(iii) Subject to the provisions of paragraph (e) (2), A-5 to deliveries, to a Producer, of Material required by him for the construction of transmission, switching and distribution facilities necessary to serve new projects (other than



housing projects) bearing a rating of A-5 or better.

(iv) Subject to the provisions of paragraph (e) (2) A-5, to deliveries, to a Producer, of Material required by him for protection against sabotage, provided such protection is directed by an authorized federal or state agency.

(2) *Suppliers.* (i) A-2 to deliveries, to any Supplier, of Material required by the Producer for any of the purposes specified in paragraph (b) (1) (i) or to be physically incorporated in such Material so required by the Producer.

(ii) A-5 to deliveries, to any Supplier, of Material required by the Producer for any of the purposes specified in paragraph (b) (1) (ii) or to be physically incorporated in such Material so required by the Producer.

(iii) A-5 to deliveries, to any Supplier, of Material required by the Producer for any of the purposes and within the limits specified in paragraphs (b) (1) (iii) and (b) (1) (iv) or to be physically incorporated in such Material so required by the Producer.

(c) *Persons entitled to apply preference ratings.* The preference ratings hereby assigned may, in the manner and to the extent hereby authorized, be applied by:

(1) A Producer;

(2) Any Supplier, provided deliveries to a Producer or another Supplier are to be made by him, and are of the kind specified in paragraph (b) and have been rated pursuant to this Order.

(d) *Restrictions on use of rating—(1) Restrictions on Producer and Supplier.* The preference ratings hereby assigned shall not be applied by a Producer or Supplier:

(i) Unless the Material to be delivered cannot be secured when required without such rating;

(ii) To obtain deliveries of scarce Material, the use of which could be eliminated without serious loss of efficiency by substitution of less scarce Material or by change of design.

(2) *Restrictions on supplier.* (i) No Supplier may apply the rating to obtain Material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or, within the limitations of (ii) and (iii) below, to replace in his inventory Material so delivered. He shall not be deemed to require such Material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(ii) A Supplier who supplies Material which he has in whole or in part manufactured, processed, assembled or otherwise physically changed may not apply the rating to restore his inventory to a practicable working minimum unless he applies the rating before completing the

rated delivery which reduces his inventory below such minimum.

(iii) A Supplier who supplies Material which he has not in whole or in part manufactured, processed, assembled, or otherwise physically changed may, in restoring his inventory to a practicable working minimum, defer applications of the rating hereunder to purchase orders or contracts for such Material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided*, That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(e) *Application of preference rating.*

(1) The Producer and each supplier, in order to apply the preference ratings to deliveries to them, must endorse the following statement, which must be applied on original and all copies of each purchase order or contract for Material, the delivery of which is entitled to the preference rating hereby assigned:

Rating A—, Material to be delivered pursuant to paragraph (b) — of Order P-46, Utilities Maintenance, Repair, and Supplies, with the terms of which I am familiar.

-----  
(Name of Producer or Supplier)

-----  
(Signature of Designated Official)

Such endorsement shall be manually signed by a responsible official duly designated for such purpose by such Producer or Supplier or in facsimile form in accordance with Priorities Regulation No. 7, (7 F.R. 1062), and shall constitute a representation to the War Production Board that such Material is required pursuant to the paragraph specified in the endorsement, and that the application of the rating is authorized by this Order.

(2) In addition to the requirements of paragraph (e) (1), a Producer in order to apply the preference rating assigned by paragraphs (b) (1) (iii), and (b) (1) (iv), must communicate with the Power Branch, War Production Board, Washington, D. C., Ref.: P-46, supplying in detail the following information:

(i) Description of the project to be built by the Producer.

(ii) Relation to military needs, war production, public health or safety.

(iii) Copy of customer's rating certificate or order, and in case of anti-sabotage materials, copy of order of federal or state agency.

(iv) Whether service can be rendered in any other way, or by any other Producer, with use of smaller quantities of critical materials.

(v) Cost of materials.

(vi) Total cost of Producer's project.

(vii) List of materials required for the construction. The Director of Industry Operations will notify the Producer whether and to what extent the application is approved. A copy of such notification shall be furnished by the Producer to any Supplier to evidence the proper

rating granted pursuant to the provisions of this Order.

(3) A Supplier who has received from two or more Producers or Suppliers endorsed purchase orders or contracts for Material to the delivery of which the same rating has been applied in accordance with this Order, may include in a single purchase order or contract, and (within the limitations of paragraph (d) hereof) may apply the rating to any or all of the Material which he in turn requires to make such rated deliveries or to replace in his inventory Material so delivered.

(4) In addition to the records required to be kept under Priorities Regulation No. 1, the Producer, and each Supplier placing or receiving any purchase or contract rated hereunder, shall retain, for a period of two years, for inspection by representatives of the War Production Board, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.

(f) *Restrictions on deliveries, withdrawals, and inventory.* (1) No Producer shall, in placing orders, schedule for delivery to him in any calendar quarterly period any items of Material (whether or not rated pursuant to this Order) to be used as Operating Supplies or for Maintenance or Repair or any other purpose, the aggregate dollar volume of which shall exceed 25% of the aggregate dollar volume of the withdrawals of items of Material of the same class from stores or inventory during the calendar year 1940.

(2) No Producer shall at any time accept deliveries (whether or not rated pursuant to this Order) of any item of Material to be used as Operating Supplies or for Maintenance or Repair or any other purpose until the Producer's inventory and stores of items of Material of the same class have been reduced to a practical working minimum. Such minimum shall in no case exceed the aggregate dollar volume of items of Material of the same class in inventory and stores on the most recent date during the calendar year 1940 on which the Producer's inventory was taken.

(3) No Producer shall (i) During any Calendar Quarterly Period, make withdrawals from stores or inventory of any items of Material to be used as Operating Supplies or for Maintenance or Repair or for any other purpose, the aggregate dollar volume of which shall exceed the aggregate dollar volume of the withdrawals of such items of Material of the same class during the corresponding quarter of 1940, or at Producer's option, 25% of the aggregate dollar volume of the withdrawals of such items of Material of the same class during the calendar year 1940.

(ii) Make withdrawals from stores or inventory of Material to be used for additions to or expansion of property or equipment, and no Producer shall, in the case of contract construction, accept de-



livery of Material for such purposes, unless

(a) The Producer's job or project is under construction and 40% of the total dollar value of the construction thereof was installed on December 5, 1941; or

(b) The cost of Material for the work order, job, or project is less than \$1,500 in case of underground construction and \$500 in the case of other jobs; *Provided, however*, That no single work order, job, or project shall be subdivided into parts in order to come below these limits, that in no event shall lines for the connection of new consumers be extended more than 250 feet from existing facilities, and that no addition to such extension shall be made within 90 days of the completion thereof.

(4) Notwithstanding the provisions contained in paragraphs (f) (1) (2) and (3), a Producer may:

(i) In any Calendar Quarterly Period increase the aggregate dollar volume of scheduled deliveries of Material for the Maintenance and Repair of, and for Operating Supplies for, generation, production, and pumping facilities, and withdrawals of Material for such use over the limits prescribed in paragraphs (f) (1) and (b) (3) respectively proportionately to the increase in system output in the preceding Calendar Quarterly Period over the system output in the calendar quarter of 1940 corresponding to such preceding Calendar Quarterly Period; and

(ii) Schedule for delivery in any Calendar Quarterly Period items of Material which will increase the aggregate dollar volume of inventory of Material for the Maintenance and Repair of, and for Operating Supplies for, generation, production and pumping facilities over the aggregate dollar volume of Material in inventory on the most recent date during the calendar year 1940 on which the Producer's inventory was taken, proportionately to the increase in system output during the preceding Calendar Quarterly Period over the system output in the Calendar Quarterly Period of 1940 corresponding to such preceding Calendar Quarterly Period; and

(iii) Schedule for delivery to him in any Calendar Quarterly Period consumers' meters and house-regulators or make withdrawals from stores or inventories of such meters and house-regulators in an amount not in excess of 25% of the number of such meters or house-regulators condemned and destroyed by the Producer in 1940 (or, at the Producer's option, not in excess of the number of such meters and house-regulators condemned and destroyed in the corresponding quarter of 1940) plus the number of meters and

house-regulators necessary to serve the net increase in customers occurring in the current quarter. For the purposes of this subparagraph (iii), withdrawals of meters and house-regulators shall not include meters or house-regulators put in service to replace meters and house-regulators removed from service; and

(iv) In order to provide Material for unavoidable and emergency situations in cases where the inventory of a class of Material exceeds a practical working minimum, accept in any Calendar Quarterly Period deliveries of any short item of Material within such class, such deliveries, however, not to exceed 5% of the dollar volume of withdrawals of Material of the same class in the calendar year 1940; and

(v) Schedule Material for delivery in any Calendar Quarterly Period, or accept deliveries, or make withdrawals in such period of Material necessary for the Maintenance or Repair of the Producer's property or equipment which is damaged by acts of the public enemy, sabotage, explosion, fire, flood or other climatic conditions: *Provided*, That if the restrictions in paragraph (f) (1) (2) or (3) as modified by the provisions of paragraph (f) (4) (i) (ii) (iii) and (iv) are exceeded because of the scheduling or acceptance of such deliveries, or withdrawals, a full report thereof together with reasons therefor shall be made immediately to the Director of Industry Operations.

(5) The Director of Industry Operations may, on the application of any Producer, authorize such Producer to exceed the restrictions on deliveries, withdrawals, and inventories set forth in this paragraph (f). Nothing herein contained shall be construed to affect in any way any specific authorizations or approvals issued by the Director of Industry Operations pursuant to Preference Rating Order P-46 prior to the effective date of this Amendment.

(6) The provisions of this paragraph (f) shall not apply:

(i) To Material obtained through the application of the rating assigned in paragraphs (b) (1) (iii) and (b) (1) (iv) or to Material withdrawn from stores or inventory for the purposes specified in said paragraphs.

(ii) To fuel, water purification chemicals, wooden poles or wooden crossarms.

(g) *Audits and reports.* (1) Each Producer and each Supplier who applies the preference ratings hereby assigned, and each person who accepts a purchase order or contract for Material to which a preference rating is applied, shall submit from time to time to an audit and inspection by duly authorized representatives of the War Production Board.

(2) Each Producer and each such Supplier shall execute and file with the War Production Board such reports and questionnaires as said Office shall from time to time request. No such reports shall be filed until such time as the proper forms are prescribed by the War Production Board.

(3) Each Producer shall maintain a continuing inventory of Material included in stores accounts.

(h) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref: P-46

(i) *Violations.* Any Person who willfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(j) *Revocation or amendment.* This Order may be revoked or amended at any time as to the Producer or any Supplier. In the event of revocation, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the Producer or Supplier affected by such revocation.

(k) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(l) *Effective date.* This Order shall take effect immediately, and shall continue in effect through June 30, 1942, unless sooner revoked. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.).

Issued this 26th day of March 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-2639; Filed, March 26, 1942;  
11:46 a. m.]



## PART 1076—PLUMBING AND HEATING SIMPLIFICATION

## SCHEDULE II—PIPE FITTINGS—TO LIMITATION ORDER NO. L-42, GREY CAST IRON, MALLEABLE IRON AND BRASS AND BRONZE PIPE FITTINGS—SIMPLIFICATION

## Corrections

Table 1, "Grey Cast Iron Pipe Fittings—Straight", appearing on page 1572 of the issue of Friday, February 27, 1942, is corrected to read as follows:

TABLE 1. GREY CAST IRON PIPE FITTINGS—STRAIGHT

[For reducing and other fittings identified by two or more dimensions see table 2]

Kind	Nominal pipe size															
	1/8	1/4	3/8	1/2	3/4	1	1 1/4	1 1/2	2	2 1/2	3	3 1/2	4	5	6	8
<b>SCREWED FITTINGS</b>																
125 lb SWP, Standard:																
90° elbows	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
90° elbows, right and left hand	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
90° elbows, pitched	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
45° elbows	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Tees	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Crosses	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
45° Y bends	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Caps	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Flange unions, standard, gasket type	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
250 lb SWP, short pattern:																
90° elbows	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
45° elbows	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Tees	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Plugs, bushings, locknuts, and floor flanges (see table 5)																
Drainage fittings:																
90° elbows	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
90° elbows, long turn	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
90° elbows, extra long turn	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
90° elbows, with 2-inch side outlet	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
90° elbows, with 2-inch keel outlet	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
90° street elbows	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
60° elbows	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
45° elbows	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
45° elbows, long turn	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
45° street elbows	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
22 1/2° elbows	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
11 1/4° elbows	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Three-way elbows	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Tees	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Basin tees	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
90° Y branches, tee pattern	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
90° Y branches, long turn, tee pattern	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
90° double Y branches, tee pattern	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
90° double Y branches, long turn, tee pattern	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
45° Y branches	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
45° double Y branches	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
P traps	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Bath P traps	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Running traps	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Roof connections	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Tucker connections	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Couplings	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
	1 1/4	1 1/2	2	2 1/2	3	3 1/2	4	5	6	8	10	12	14	16	18	24
<b>FLANGED FITTINGS</b>																
125 lb SWP:																
90° elbows	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
90° elbows, long radius	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
90° base elbows, square or round base	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
45° elbows	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Side outlet elbows	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Tees, standard or regular sweep	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Crosses	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
45° laterals	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
250 lb SWP:																
90° elbows	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
90° base elbows, round base	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
45° elbows	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Tees, standard or regular sweep	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Crosses	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
45° laterals	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
<b>SPRINKLER FITTINGS</b>																
175 lb WWP, American Standard:																
90° elbows, flanged, screwed	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Tees, flanged, screwed, screwed	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Tees, flanged, screwed, flanged	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
125 lb SWP, and 175 lb WWP:																
90° elbows, short turn, flanged, screwed	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
45° elbows, short turn, flanged, screwed	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x

On page 1573 of the same issue, that portion of Table 2 appearing under the head "Screwed flanges and blind flanges" should read as follows:

## Screwed flanges and blind flanges

1 x 4 1/4	6 x 11
1 1/4 x 4 5/8	8 x 13 1/4
1 1/2 x 5	10 x 16
2 x 6	12 x 19
2 1/2 x 7	14 x 21
3 x 7 1/2	16 x 23 1/4
3 1/2 x 8 3/4	18 x 25
4 x 9	20 x 27 1/4
5 x 10	24 x 32

## Chapter XI—Office of Price Administration

## PART 1306—IRON AND STEEL

ORDER NO. 2 UNDER REVISED PRICE SCHEDULE NO. 6<sup>1</sup>—IRON AND STEEL PRODUCTS

On January 15, 1942, the Ford Motor Company, Dearborn, Michigan, filed an application for an exception to Price Schedule No. 6. This application has been considered as a petition under § 1306.7 of Revised Price Schedule No. 6, as amended by Amendment No. 2 thereto. Due consideration has been given to the petition, and an opinion in support of this Order No. 2 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>2</sup> issued by the Office of Price Administration, it is hereby ordered:

§ 1306.32 Order No. 2 under Revised Price Schedule No. 6. (a) That the petition of the Ford Motor Company be, and it is hereby denied, except in so far as the said petition requests permission to price rerolling billets f. o. b. Dearborn, Michigan. The Ford Motor Company is hereby ordered to sell rerolling billets at a price not in excess of \$34.00 per gross ton, f. o. b. Dearborn, Michigan.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

This Order No. 2 shall become effective March 26, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 25th day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2606; Filed, March 25, 1942; 3:09 p. m.]

<sup>1</sup> 7 F.R. 1215.

<sup>2</sup> 7 F.R. 971.



## PART 1340—FUEL

ORDER REVOKING REVISED PRICE SCHEDULE NO. 72<sup>1</sup>—BUNKER C AND NO. 6 GRADE FUEL OILS, EAST AND GULF COASTS

A statement of the considerations involved in the issuance of this Order has been prepared and is issued simultaneously herewith.<sup>2</sup>

Under the authority vested in the Acting Place Administrator by the Emergency Price Control Act of 1942, it is hereby ordered that Revised Price Schedule No. 72—(1340.101 to 1340.109, inclusive) Bunker C and No. 6 Grade Fuel Oils, East and Gulf Coasts—be revoked. (Pub. Law 421, 77th Cong., 2d Sess.)

This Order shall become effective March 26, 1942.

Issued this 25th day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2612; Filed, March 25, 1942;  
5:09 p. m.]

## PART 1340—FUEL

AMENDMENT NO. 4 TO REVISED PRICE SCHEDULE NO. 88<sup>3</sup>—PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this Amendment, has been prepared and is issued simultaneously herewith.<sup>2</sup>

A new paragraph (f) is added to § 1340.154, a new subparagraph (6) is added to § 1340.159 (c) and a new paragraph (e) is added to § 1340.158a as set forth below. Section 1340.159 (c) (2) *Eastern seaboard* and § 1340.159 (c) (3) *Fuel oil* are amended to read as follows:

§ 1340.154 *Records and reports:*

(f) Each person participating in the pool established under Recommendation No. 12, as amended,<sup>4</sup> of the Office of Petroleum Coordinator for National Defense shall submit to the Price Administrator within fifteen days after March 26, 1942, a certified statement of the volume of sales and applicable revenue, classified by products, and the extra expenses incurred from the date of that person's entrance into the pool through February 28, 1942 in the transportation of petroleum and petroleum products to or in the States of Connecticut, Delaware, Florida east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and in the District of Columbia by railroad tank car or other alternative means of transportation, or any combinations thereof, over transportation by tanker under the applicable rates established by the United States Maritime Commission; and each

such person shall submit prior to the 30th day of each month thereafter supplementary statements of such sales, revenue and expenses for each preceding month. All persons participating in the pool referred to above shall submit jointly to the Price Administrator within thirty days after the effective date of Amendment No. 4 an audit, broken down by persons prepared and certified to by a firm of auditors and accountants, of the volume of sales and applicable revenue, classified by products, and the extra expenses referred to above incurred in compliance with Recommendation No. 12, as amended, from September 4, 1941 through February 28, 1942 and shall submit prior to the thirtieth day of each month thereafter supplementary audits of such sales, revenue and expenses, broken down by persons, for each preceding month.

§ 1340.159 Appendix A: *Maximum prices for petroleum and petroleum products.*(c) *Specific prices.*(2) *Gasoline.**Maximum prices for gasoline on the Eastern Seaboard.*

*Eastern Seaboard.* The maximum prices for gasoline sold in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and in the District of Columbia shall not be in excess of .8 of a cent per gallon above the prices in the above States and the District of Columbia on October 1, 1941. Such maximum increase of .8 of a cent per gallon shall apply to the communities in Maryland and Virginia adjacent to the District of Columbia in addition to the increase provided for those communities below. The maximum prices for gasoline sold in the State of Florida east of the Apalachicola River, and in the State of Georgia shall not be in excess of .5 of a cent per gallon above the prices in the above States on October 1, 1941.

(3) *Distillate fuel oils:*

(i) The maximum prices in the States of Connecticut, Delaware, Florida east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and in the District of Columbia for distillate fuel oils, comprising kerosene, tractor fuel, range oil, Nos. 1, 2, 3 and 4 fuel oils, gas house oils and distillate Diesel fuel oils, shall be not more than 0.4 of a cent per gallon in excess of the maximum prices that would otherwise govern under § 1340.159 (b) (1) to (3).

(ii) *Maximum tank wagon prices for No. 2 fuel oil:*

*Tank wagon area:* Washington, D.C.----- 8

(6) *Residual fuel oils:*

(i) The maximum prices in the States of Connecticut, Delaware, Florida east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and in the District of Columbia for residual fuel oils, comprising Nos. 5 and 6 fuel oils, Bunker C, Navy grade and residual Diesel fuel oils, shall be not more than 20 cents per barrel in excess of the maximum prices that would otherwise govern under § 1340.159 (b) (1) to (3), except that at the points named in (ii) below the prices there specified shall be the maximum prices.

(ii) *Maximum prices for Bunker C and No. 6 fuel oils, on the East and Gulf Coasts in cargo and barge lots F. O. B. refineries and terminals (ex lighterage).*

Location of refineries:	Maximum price per barrel
Albany, N. Y.	1.75
New York, N. Y.	1.55
Philadelphia, Pa.	1.55
Baltimore, Md.	1.55
Norfolk, Va.	1.55
Portland, Me.	1.55
Boston, Mass.	1.55
Providence, R. I.	1.55
Charleston, S. C.	1.50
Savannah, Ga.	1.50
Jacksonville, Fla.	1.50
Tampa, Fla.	1.45
New Orleans, La.	.85

Maximum differentials for ports on the East Coast not specified above shall be based on the low quotations for such ports in *Platt's Oilgram* on January 9, 1942. Customary differentials above the maximum prices for cargo and barge lots which were in effect on October 1, 1941 for deliveries other than in cargo and barge lots may be maintained.

1340.158a *Effective dates of amendments.*

(e) Amendment No. 4 (§§ 1340.154 (f), 1340.159 (c) (2), 1340.159 (c) (3), 1340.159 (c) (6), 1340.158a (e)) to Revised Price Schedule No. 88 shall become effective March 26th, 1942. Until such date Revised Price Schedule No. 88 continues in effect as if not amended by Amendment No. 4.

(Pub. Law 421, 77th Cong. 2d Sess.)

Issued this 25th day of March, 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2610; Filed, March 25, 1942;  
5:09 p. m.]

## PART 1340—FUEL

AMENDMENT NO. 1 TO TEMPORARY MAXIMUM PRICE REGULATION NO. 11<sup>5</sup>—MOTOR FUEL SOLD AT SERVICE STATIONS IN THE CURTAILMENT AREA

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.<sup>2</sup>

<sup>5</sup> 7 F.R. 2169.

<sup>1</sup> 7 F.R. 1347.

<sup>2</sup> Filed with the Division of the Federal Register. Requests for copies should be addressed to the Office of Price Administration.

<sup>3</sup> 7 F.R. 1371, 1798, 1799.

<sup>4</sup> 6 F.R. 5538.



Section 1340.181 is amended and a new section, § 1340.183, is added as set forth below:

§ 1340.181 *Appendix A: Maximum prices for motor fuel sold at service stations in the curtailment area.* (a) The maximum price for each grade of motor fuel at each service station in the States of Florida east of the Apalachicola River, Georgia, Oregon, and Washington shall be the price posted at each service station for each grade of motor fuel at the close of business or at 11 o'clock at night on March 13, 1942.

(b) If the maximum price for any grade of motor fuel at a service station in the States of Florida east of the Apalachicola River, Georgia, Oregon and Washington cannot be determined under paragraph (a) above, the maximum price shall not be in excess of the price charged on the last delivery of such motor fuel made prior to March 13, 1942 at the same service station, provided such delivery was made after January 13, 1942.

(c) The maximum price for each grade of motor fuel at each service station in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and in the District of Columbia shall not be in excess of 0.5 of a cent per gallon above the price posted at such service station for each grade of motor fuel at the close of business or at 11 o'clock at night on March 13, 1942.

(d) Where the maximum price for any grade of motor fuel at a service station in the States of Connecticut, Delaware, Georgia, Florida east of the Apalachicola River, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and in the District of Columbia cannot be determined under paragraph (c) above, the maximum price shall not be in excess of .5 of a cent per gallon above the price charged on the last delivery of such motor fuel made prior to March 13, 1942 at the same service station, provided that such delivery was made after January 13, 1942.

(e) Where the maximum price for any grade of motor fuel at a service station in the Curtailment Area cannot be determined under paragraphs (a) to (d) above, sellers may establish a temporary maximum price, which must be equal to or lower than the maximum price for that grade of motor fuel at other service stations in the locality, if any, which shall be submitted to the Office of Price Administration within ten days after the establishment of such price for approval or disapproval.

§ 1340.183 *Effective dates of amendments.* (a) Amendment No. 1 (§§1340.181, 1340.183) to Temporary Maximum Price Regulation No. 11 shall become effective March 26, 1942. Until such date Temporary Maximum Price

No. 60—4

Regulation No. 11 continues in effect as if not amended by Amendment No. 1.

(Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 25th day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2611; Filed, March 25, 1942;  
5:09 p. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter I—Coast Guard, Department of the Navy

#### PART 7—ANCHORAGE AND MOVEMENTS OF VESSELS AND THE LADING AND DISCHARGING OF EXPLOSIVE OR INFLAMMABLE MATERIAL, OR OTHER DANGEROUS CARGO

##### PORTLAND, MAINE

Pursuant to the authority contained in section 1, Title II of the Act of June 15, 1917, 40 Stat. 220 (50 U.S.C., 1940 ed., 191), as amended by the Act of November 15, 1941 (Public Law 292, 77th Congress), and by virtue of the Proclamation and Executive Order issued June 27, 1940 (5 F.R. 2419) and November 1, 1941 (6 F.R. 5581), respectively, the Rules and Regulations Governing the Anchorage and Movements of Vessels and the Lading and Discharging of Explosive or Inflammable Material, or other Dangerous Cargo, approved October 29, 1940 (5 F.R. 4401), are amended as follows:

Section 7.15 (a) (5), which established Anchorage (E) (Explosive) at Portland, Maine, is hereby cancelled.

FRANK KNOX,  
Secretary of the Navy.

Approved:

FRANKLIN D. ROOSEVELT  
The WHITE HOUSE, March 18, 1942.

[F. R. Doc. 42-2615; Filed, March 26, 1942;  
9:30 a. m.]

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans' Administration

#### PART 25—MEDICAL

##### TUBERCULOSIS; DIAGNOSTIC CRITERIA

§ 25.6021 *Criteria for tuberculous disease.* (a) A claimant will be held to have had "a tuberculous disease," as related to determination of its complete arrest for the purposes of the statutory award, when the case history includes clinical and other records indicating previously active tuberculosis, the diagnosis of which, in the case of pulmonary tuberculosis, will have been supported by the findings specified in § 25.6022.

(b) It must be definitely understood that a claimant now presenting wholly

negative physical and X-ray findings and without any clinical evidence of tuberculosis may have had an unmistakably manifest pulmonary tuberculosis in the not remote past, and that present negative findings will not outweigh a significant history and findings indicative of former active tuberculosis.

(c) Excepted from the requirement as to findings in paragraph (a) of this section are cases in which a diagnosis of active pulmonary tuberculosis appears in official service records, and has not been revised upon the basis of other medical evidence, covering a reasonable period after discharge from service, which establishes that the condition is due to some pathologic process other than tuberculosis. In such cases, the diagnosis in the official service records will be accepted, even if not supported by the findings specified in § 25.6022.

(d) The exception defined in paragraph (c) accords with the principle of attaching full weight to records of the Army and Navy relative to injury or disease of claimants during military or naval service, when other evidence and considerations do not show such records to be incorrect. Service connection of disability predicated upon a diagnosis of active tuberculosis by the Army or Navy, and consequent statutory awards in effect March 19, 1933 are entitled to the protection afforded by sections 27 and 28, Public Law No. 141, 73rd Congress. However, the authority in paragraph (c) is not to be interpreted as compelling service connection for disability from active tuberculosis. The intent of that exception is to insure appropriate recognition of a diagnosis of active tuberculosis that had been made during the claimant's military or naval service, medical officers of the Army and Navy not being informed at that time of the requirements of the Veterans' Administration governing the diagnosis of active pulmonary tuberculosis as set forth in § 25.6022. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 707)

§ 25.6022 *Findings required for the diagnosis of active pulmonary tuberculosis.* A diagnosis of active pulmonary tuberculosis will be considered as established upon consideration of the following findings:

(a) Sputum positive for tubercle bacilli.

(b) Pleurisy with effusion, in retrospect, if followed sometime later by clinical pulmonary tuberculosis (without obvious cause therefor, such as acute lobar pneumonia, acute bronchial influenza or trauma); or if followed by peritoneal or possibly some other form of extra-pulmonary tuberculosis. This rule will not apply in dry pleurisy, or in pleural exudates or transudates due to cardiac, cardiorenal or malignant disease.

(g) A condition evidenced by definite toxemia of probable tuberculous origin, manifested by one or more of these



symptoms: fever, loss of weight and rapid "resting" pulse.

Any two or more of the foregoing findings, (a) to (g), will establish the diagnosis of active pulmonary tuberculosis. But, of this list, the first three, (a) to (c) inclusive, will be held as relatively more important; and any one of the said first three will be considered acceptable evidence of active pulmonary tuberculosis, in the absence of any other cause which would explain its exhibition. The absence of the other findings, (d) to (g) inclusive, is to be considered of less importance than the presence of any one of the first three, (a) to (c) inclusive. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 707)

Section 25.6024 canceled March 25, 1942.

§ 25.6025 *Determination of complete arrest of tuberculosis.* (a) A claimant, determined to have had active pulmonary tuberculosis in accordance with the specifications of § 25.6022, will be held to have reached a condition of complete arrest when there is compliance with the criteria for arrested pulmonary tuberculosis as defined by the National Tuberculosis Association and adopted by the Veterans Administration, viz.,

"All constitutional symptoms absent. Sputum, if any, must be concentrated and found microscopically negative for tubercle bacilli. Lesions stationary and apparently healed, according to X-ray examination. No evidence of pulmonary cavity. These conditions shall have existed for a period of six months, during the last two of which the patient had been taking one hour's walking exercise twice daily, or its equivalent."

(b) Arrest of extra-pulmonary forms of tuberculosis will be considered to have been reached when there is a healed lesion. If there are two or more foci of such tuberculosis, one of which is active, the statutory award for arrest will not be made until the tuberculous process has reached arrest in its entirety. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

Section 25.6028 canceled March 25, 1942.

#### EMERGENCY HOSPITALIZATION

§ 25.6035 *General authority for emergency hospital treatment.* All potential beneficiaries having prima facie entitlement therefor, who are in need of emergency hospital treatment, may be provided therewith, and such emergency hospital treatment may, if necessary, be continued until a definite decision is reached as to the eligibility of the applicant for medical treatment. This authority for emergency hospitalization carries authority to supply Government transportation and necessary meals and lodging en route to the facility designated for the emergency admission. Emergency hospitalization may also be provided applicants who have not completed a prescribed period of exclusion from hospitalization, imposed because of infraction of facility discipline; but Government transportation (and necessary meals and lodging en route) will not be

supplied these applicants, unless they execute affidavit that they are unable to defray the expense of travel to the facility designated. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

#### HOSPITALIZATION AND DOMICILIARY CARE

§ 25.6045 *Persons entitled to hospital observation and physical examination.* Hospitalization for observation and physical (including mental) examination may be effected when requested by an authorized official, or when found necessary in physical examination of the following persons:

(a) Claimants or beneficiaries of the Veterans' Administration for purposes of disability compensation, pension, emergency officers retirement pay, and Government Insurance (including World War applicants for reinstatement, and applicants for National Service Life Insurance).

(b) Claimants or beneficiaries referred from a facility to a diagnostic center for study to determine the clinical identity of an obscure disorder, or for advice as to treatment.

(c) Employees of the Veterans' Administration, when necessary to determine their mental or physical fitness to perform official duties.

(d) Claimants or beneficiaries of other Federal agencies: (1) Bureau of War Risk Litigation, Department of Justice—plaintiffs in Government insurance suits. (2) United States Civil Service Commission—annuitants or applicants for retirement annuity, and such examinations of prospective appointees as may be requested. (3) United States Employees Compensation Commission—to determine identity, severity or persistence of disability. (4) Railroad Retirement Board—applicants for annuity under Public No. 162, 75th Congress. (5) Other Federal agencies.

(e) Pensioners of nations allied with the United States in the World War, upon authorization from accredited officials of the respective governments. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 707)

§ 25.6046 *Persons entitled to hospital treatment or domiciliary care.* Hospital treatment or domiciliary care may be provided, (a) subject to the eligibility provisions of § 25.6047 and § 25.6048, for:

(1) Persons discharged from the United States Army, Navy, Marine Corps or Coast Guard, after service in a war or peace time period; retired emergency officers of the World War.

(2) Persons retired from the Regular Establishment Army, Navy, Marine Corps or Coast Guard, including members of the Fleet Naval Reserve or Marine Corps Reserve on retainer pay, who had served honorably during a war period (Public No. 198, 76th Congress).

(b) Not subject to the eligibility provisions of § 25.6047 and § 25.6048, for:

(1) Persons retired from the United States Army, not Regular Establishment, and not having had war service (Public No. 18, 76th Congress and Public No. 262, 77th Congress). These may be supplied hospital treatment, but not domiciliary

care, subject to conditions (payment of per diem hospital rate, etc.) attaching to officers of like grades, applying for treatment in a War Department hospital.

(2) Persons in active service with the United States Army (Public No. 852, 76th Congress), when duly referred with authorization therefor, may be provided hospital treatment. This will include officers, army nurses, warrant officers, cadets, enlisted men and contract surgeons (full-time), in the Federal military service, when on duty status, or while absent from duty on authorized leave, or while absent without leave.

(3) Persons in active service with the United States Navy or Marine Corps (Public No. 675, 70th Congress) including officers or enlisted men of the Navy or Marine Corps, becoming ill or injured while on permitted leave, may be authorized hospital treatment.

(4) Hospital treatment may be provided, upon authorization, for beneficiaries of the following Federal agencies: Public Health Service; Employees Compensation Commission; enrollees of and officers and enlisted men attached to the Civilian Conservation Corps; enrollees of the Work Projects Administration; enrollees of the National Youth Administration.

(5) Pensioners of nations allied with the United States in the World War, when duly authorized.

(c) Emergency hospital treatment may be provided for:

(1) Persons having no prima facie eligibility therefor, as a humanitarian service. (2) Persons admitted because of presumed discharge or retirement from the armed forces, but subsequently found to be ineligible as such. (3) Employees (not potentially eligible as ex-members of the armed forces) and members of their families, when residing on reservations of field stations of the Veterans Administration, and when they cannot feasibly obtain emergency treatment from private facilities.

(d) Persons comprehended under the provisions of paragraphs (b) and (c) of this section may be supplied hospitalization after the needs of applicants under paragraph (a) of this section are fully met. See currently effective medical procedure as to per diem rates for persons hospitalized under paragraphs (b) and (c) of this section. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

§ 25.6047 *Eligibility for hospital treatment or domiciliary care of persons discharged or retired from military or naval service.* Within the limits of Veterans Administration facilities, hospital treatment or domiciliary care may be furnished the following applicants in the specified order of preference:

(a) Hospital treatment for: (1) Persons who served during the period of the World War as defined in § 35.10 (a) and (d), as amended; or in any war prior to the Spanish-American War; or during the Spanish-American War, Philippine Insurrection or Boxer Rebellion from April 21, 1898 to July 4, 1902 (or to July 15, 1903, if the service was in Moro



Province), when honorably discharged from their last period of war service, and when suffering from an injury or disease incurred or aggravated in line of duty in active military or naval service, and for which they are medically determined to be in need of hospital treatment.

(2) Retired officers and retired enlisted men of the Army, Navy, Marine Corps and Coast Guard, including members of the Fleet Naval Reserve or Marine Corps Reserve on retainer pay, who had honorable service in a period of war, as defined in paragraph (a) (1) of this section, and are medically determined to need hospital treatment for an injury or disease that was incurred in line of duty in active military or naval service (Public No. 198, 76th Congress; Public No. 365, 77th Congress).

(3) Persons included in paragraph III of § 35.011 who are suffering from injuries or diseases incurred in line of duty, for which they are receiving disability compensation, and for which they are in need of hospital treatment.

(b) Hospital treatment for: (1) officers and enlisted personnel of the Army, Navy, Marine Corps and Coast Guard, or reserve officers and members of the Enlisted Reserve, or officers and enlisted men of the National Guard of the United States, or persons accepted for selective training, who were honorably discharged from Federal service for disability incurred in line of duty, or who are in receipt of pension for service-connected disability, when suffering from injuries or diseases incurred or aggravated in line of duty in active Federal service, and for which they are medically determined to be in need of hospital treatment. Cadets and midshipmen discharged from the academies at West Point and Annapolis, who meet these requirements as to character of discharge or receipt of pension are eligible under this subparagraph, regardless of the requirement as to active military or naval service.

(c) (1) Hospital or domiciliary care, including emergency or extensive hospital treatment for: Veterans who served during a period of war as defined in paragraph (a) (1) of this section, who have an honorable discharge from their last period of war service; who served in the active military or naval service for 90 days or more, or who, having served for less than 90 days, were discharged for disability incurred in line of duty; who are suffering from a permanent disability, tuberculosis or neuropsychiatric ailment or such other conditions requiring emergency or extensive hospital treatment; and who are incapacitated from earning a living, and have no adequate means of support.

(2) Officers and enlisted men retired from the Regular Establishment—Army, Navy, Marine Corps, Coast Guard—who had served honorably in a war period, as defined in paragraph (a) (1), subject to the same requirements as in subparagraph (1) of this paragraph (Public No. 198, 76th Congress; Public No. 365, 77th Congress).

(3) The administrative determination of line of duty incurrence of disability, as prescribed in paragraph (b) (2) will also be applicable to veterans of wars under this paragraph (c).

(e) Hospital treatment or domiciliary care for:

(1) Veterans who served, regardless of length of service, during a period of war as defined in paragraph (a) (1), who were (i) not dishonorably discharged from their last period of war service; (ii) who swear that they are unable to defray the expense of hospitalization or domiciliary care, including the expense of transportation to and from a Veterans Administration facility; and (iii) who are suffering from a disability, disease or defect which, being susceptible of cure or decided improvement, indicates need for hospital care or which, being essentially chronic in type and not susceptible of cure, or decided improvement by hospital care, is producing disablement of such degree and of such probable persistency as will incapacitate from earning a living for a prospective period, and thereby indicates need for domiciliary care. The provisions of section 5, Public No. 304, 75th Congress, that "re-enlistment after November 12, 1918, and before July 2, 1921, where there was prior service between April 6, 1917, and November 11, 1918, shall be considered as World War Service," etc., will have no application to this paragraph, § 25.6047 (e).

(2) Retired officers and retired enlisted men of the Army, Navy, Marine Corps and Coast Guard, including members of the Fleet Naval Reserve or Marine Corps Reserve on retainer pay, who had honorable service in a period of war, as defined in paragraph (a) (1) of this section, and who meet the other eligibility requirements of subparagraph (1) of this paragraph (Public No. 198, 76th Congress; Public No. 365, 77th Congress). (March 25, 1942) (48 Stat. 9; 38 U.S.C. 707)

§ 25.6048 *Definitions applicable in determining eligibility for hospital treatment or domiciliary care.* (a) Under paragraphs (c) and (d) of § 25.6047:

(1) A "permanent disability" will be taken to mean such impairment of mind or body as may reasonably be expected to continue throughout the remainder of the applicant's life, or any condition listed in § 2.1086. A permanent disability must be such as would materially interfere with the following of any substantially gainful occupation. This must be for medical determination, which shall not be influenced by the applicant's inability—due to industrial conditions, lack of personal initiative, or any other reason than disability due to disease or injury—to secure gainful employment. The infirmities resulting from advancing years when taken collectively, while not considered a disease entity, may be interpreted to be within the meaning of "disease" as used herein. A person who, at the time of his application for domiciliary care has recently been rated 75 percent or more disabled for pension

or disability compensation purposes will be held to be prima facie incapacitated within the meaning of this paragraph.

(2) A permanent disability, as contemplated, is exemplified in chronic, severe types of general medical diseases, such as myocarditis, valvulitis, cardiovascular disease, nephritis, arthritis, etc., and in blindness, loss of parts or use of parts, etc. But injuries or diseases such as reparable hernia, chronic appendicitis, cholecystitis, cholelithiasis, nephrolithiasis, etc., are not essentially permanent, as contemplated, in that surgical intervention may remove the disability. Applicants suffering from these conditions will not be considered for admission under the provision relating to "permanent disability," but under the provisions relating to "other conditions requiring emergency or extensive hospital treatment."

(3) "Such other conditions requiring emergency or extensive hospital treatment" will comprehend the following:

(i) Emergent hospital treatment will be provided for conditions endangering the life or health of the applicant, and requiring immediate hospital treatment.

(ii) Extensive hospital treatment will be provided for acute, subacute or chronic diseases or surgical conditions which may be improved or cured by operation or other therapy, when such diseases or conditions require extended hospital treatment. Admission will not be authorized for treatment of conditions usually and sufficiently treatable on an out-patient status: minor eye, ear, nose and throat conditions, such as tonsillitis, deviated nasal septum, etc., nor for dental relief, except when the hospital readmission is for the supplying of dentures to beneficiaries eligible therefor.

(4) "No adequate means of support". When an applicant is receiving an income of \$50 or more per month from any source, this fact will be considered prima facie evidence that he has adequate means of support, except when he is in fact contributing in whole or part from such income to the support of a wife, child, mother or father. If the applicant alleges he is contributing to the support of dependents other than these, the alleged circumstances will be submitted to central office, for decision as to eligibility for admission. However, if the medical care and treatment will be needed for a period so extensive that the applicant could not possibly pay for such services for such time in a private hospital this \$50 per month income provision may be waived.

(b) Under paragraph (e) of § 25.6047:

(1) "Any disability, disease or defect" will comprehend any acute, subacute or chronic disease (of a general medical, tuberculous or neuropsychiatric type) or any acute, subacute or chronic surgical condition, susceptible of cure or decided improvement by hospital care; or any condition which, not susceptible of cure or decided improvement by hospital care, indicates need for domiciliary care. Domiciliary care, as the term implies, is the provision of a home, with such inci-



dental medical care as is needed. To be entitled to domiciliary care the applicant must consistently have a disability, disease or injury which, chronic in type and not susceptible of cure or decided improvement by hospitalization, is producing disablement of such degree and probable persistency as will incapacitate from earning a living for a prospective period. Defects such as constitutional psychopathic inferiority or mental deficiency, without superimposed psychosis or psychoneurosis, will not indicate hospital treatment, but will entitle to domiciliary care, other requirements being met, if such defects are producing material social and industrial inadaptability.

(2) "Unable to defray expenses of hospitalization or domiciliary care, including transportation to and from a Veterans Administration facility." The affidavit of the applicant on Form P-10 (answer to question 9 thereon) that he is unable to defray the expenses of hospitalization or domiciliary care, including transportation to or from a facility, will constitute sufficient warrant to furnish Government transportation to cover transportation to the facility. But, having in mind the penal provisions of the law governing the making of false sworn statements, managers will report to central office any and all cases in which they suspect false statements as to inability to defray the expenses of hospitalization or domiciliary care, including transportation. Such reports will include all the facts, with comment and recommendation.

(c) Persons applying for treatment of conditions requiring extensive hospitalization, under paragraphs (c), (d) or (e) of § 25.6047, and who are potentially entitled to other hospital treatment because of membership in a union, fraternal organization, or group hospitalization plan; or under commercial insurance companies' policies covering illness or injury; or as beneficiaries of a state industrial commission or Employees Compensation Commission, etc., will be instructed to procure their hospital treatment from such sources. When, however, any such person is hospitalized in a Veterans Administration facility for treatment of a condition not service-connected, including any injury for which a third party is liable; and such person is potentially entitled to reimbursement for the costs of the treatment provided by the Veterans Administration, the service will not be rendered by the Veterans Administration without charge therefor to the extent of such reimbursement. Action will be taken to effect collection from the persons, companies, organizations or agencies (other than Federal) in the amounts determined payable under the terms of the applicable insurance policy, plan, agreement, or other undertaking. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 707)

§ 25.6050 *Utilization of facilities other than those under direct and exclusive jurisdiction of the Veterans Administration.*

(b) (1) Private facilities will not be used for hospitalization of beneficiaries

except when facilities under direct and exclusive jurisdiction of the Veterans Administration or other Federal hospitals are not feasibly available, or when the physical or mental condition of beneficiaries will not allow of their transfer from a private, State or municipal hospital to a Federal hospital. Except for treatment of an emergent condition arising from a service-connected disorder, hospitalization of a male beneficiary will not be authorized in any private, State or municipal hospital, whether under or not under contract. In such medically emergent cases, authorization of admission to a private, State or municipal hospital may be given, subject to the conditions stipulated in subparagraph (2) of this paragraph; and, when so given, will be authority for payment of vouchers covering the cost of such hospitalization.

(2) The chief medical officer or his designate, of the regional office or facility with regional office having jurisdiction of the territory in which the concerned private, State or municipal hospital, contract or non-contract, is located, will, when informed of the emergent condition of the entitled beneficiary in time to authorize the hospital admission, or when requested to issue authorization to cover a hospital admission already effected, at once notify the superintendent of such hospital as follows: (i) That payment cannot be made by the Veterans Administration for any hospital service or supplies furnished prior to the date that authorization for admission had been issued, and that such authorization cannot be retroactively dated when issued. (ii) That—if the hospital concerned is under contract with the Veterans Administration—all services and supplies furnished the beneficiary must be charged for and paid only at rates in accordance with the terms of the contract. (iii) That—if the hospital concerned is not under contract—all services and supplies can be paid for only at rates in accordance with the schedule of fees, Veterans Administration. (iv) That, when possible, prior authority will be requested by the hospital for the furnishing of services or supplies other than those included in a contract, or other than those comprehending ordinary items. (v) But when the procurement of such prior authority is not possible, or when the emergent condition of the beneficiary is too urgent for delay, the hospital may furnish such necessary services or supplies, with the understanding that charges therefor will be subject to determination as to their reasonable necessity by the Chief Medical Officer or his designate. (See also §§ 25.6140-25.6148)

(c) In the territories and insular possessions of the United States, preference will be given to Federal hospitals, and contracts will be made with private or insular hospitals only when Federal hospitals are not available. Authorization of hospitalization by managers of insular offices is restricted to hospitals under agreements or contracts and admissions to private facilities not under contract will not be authorized in territories or insular possessions without prior approval

of the medical director: *Provided*, That when immediate hospitalization is necessary for treatment of an emergent service-connected condition in a war veteran, the manager may authorize admission to a non-contract hospital if no Federal or contract private hospital be feasibly available, and that the stipulations specified in paragraph (b) (2) of this section are communicated to the superintendent of such non-contract private hospital. While admissions to private facilities in the territories and insular possessions will in general be restricted to applicants who had service in a war, such facilities may also be used for applicants who had peace time service only, if needed for treatment of an emergent service-connected condition. The use of such private facilities is prohibited for applicants who had peace time service only, if required for treatment of a disease or injury not attributable to military or naval service, or for a service-connected condition that is not medically emergent.

(h) The prior approval of the medical director must be secured for the use of private, State or municipal facilities covered by contracts, and located either within the continental limits of the United States or in the insular possessions or territories, for the hospitalization in such facilities of beneficiaries in excess of the number of beds contracted for, except where immediate hospitalization is indicated for treatment of a medically emergent service-connected disease or injury. The number of beds set apart by agreements with other Government facilities, for treatment of Veterans Administration beneficiaries may be exceeded during any month as necessitated: *Provided*, That the utilization thereof be correspondingly reduced in other months, so that the average monthly use of such beds, at the end of the fiscal year, will not have exceeded the total allocation.

(i) An applicant whose eligibility for hospitalization, (whether for observation or treatment, or whether for a service-connected or nonservice-connected condition) had been determined, whose admission to a Government facility had been authorized and who had been supplied transportation therefor, but who, while en route to the designated facility (or en route from it, after completion of service and regular discharge, to the point from which he had proceeded to the hospital), develops an unavoidable and unforeseen medical emergency that forbids continuance of such travel and requires admission to a private hospital or treatment by a private physician, will be entitled to such necessary services at the expense of the Government, including any extra transportation costs (ambulance or otherwise) that were actually necessitated in the circumstances. (1) If the chief medical officer or his designate of the territory concerned is informed of such emergency hospital admission or such physician's treatment before or shortly after the beginning of the services, authorization for the services, followed by payment of bills therefor, may be made in accordance with the terms of paragraph (b) (2) of this sec-



tion. (2) If the chief medical officer or his designate had not authorized such hospitalization or such physician's services, he may nevertheless certify for payment bills from the hospital superintendent or the attending physician, provided determination is made of the actual necessity for the items of service rendered, and payment is at fees provided in the schedule of fees, Veterans Administration. (3) Subject to the same controlling conditions as in (2), the chief medical officer or his designate may authorize reimbursement of the beneficiary or his representative if either had paid bills submitted by the superintendent of the hospital or by the physician who had attended the beneficiary, and had submitted those receipted bills. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

§ 25.6060 *Out - patient treatment.* (a) Out-patient treatment, medical or dental, including necessary medicines, prosthetic appliances, and other supplies, may be rendered veterans of wars as defined in § 25.6047 (a) (1), and persons who were honorably discharged from the United States Army, Navy, Marine Corps or Coast Guard for disability in line of duty, or who are in receipt of pension for service-connected disability; *Provided*, That the disability from the disease or injury for which such veteran of a war or person applies for out-patient treatment has been adjudicated as service-connected, or the official service records show that such disease or injury was the one that led to the applicant's discharge for disability in line of duty in active service. A formal claim for disability compensation or pension will not be required of an applicant so eligible for out-patient treatment; and a denial of a claim for pension will not debar out-patient treatment if the official service records show that the disease or injury for which such person applies for such treatment was one the disability from which led to his discharge in line of duty in active service (see determination of line of duty, § 25.6047 (b) (4)).

(b) While out-patient treatment is primarily authorized only for service-connected conditions, adjunct out-patient treatment for a nonservice-connected condition which is associated with and held to be aggravating disability from a disease or injury service-connected may be also authorized in accordance with prescribed principles. The opinion of the medical director may be requested in any individual case where advice as to the propriety of furnishing adjunct treatment is desired.

(c) In addition to applicants entitled under paragraph (a) of this section, out-patient treatment may be rendered patients properly referred by authorized officials of the United States Employees Compensation Commission, Civilian Conservation Corps, Work Projects Administration, National Youth Administration or other Federal agencies for which the Administrator of Veterans Affairs may agree to render such service under conditions stipulated by him; and to Canadian and British pensioners, upon requests of the Department of

Pensions and National Health, Canada. Charges for treatment of patients of the classes herein specified will be made at prescribed rates. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

§ 25.6066 *Disciplinary control of beneficiaries receiving hospital treatment or domiciliary care.* The good conduct of beneficiaries receiving hospitalization for observation and examination or for treatment, or receiving domiciliary care in facilities under direct and exclusive jurisdiction of the Veterans Administration, will be maintained by corrective and disciplinary procedure formulated by the Veterans Administration. Such corrective and disciplinary measures, to be selectively applied in keeping with the comparative gravity of the particular offense, will consist, in respect to hospital patients, of the withholding for a determined period of pass privileges, exclusion from entertainments, or disciplinary discharge; and, in respect to domiciled members, such penalties as confinement to barracks or grounds, deprivation of privileges, performance of extra duty without pay for a stated period, enforced furlough or dropping from rolls. Discharge for infraction of hospital discipline will carry the accompanying penalty of exclusion from rehospitalization, except in a medical emergency, and from domiciliation, for a prescribed period, with denial of Government transportation to cover return travel upon such discharge, or to cover rehospitalization in a medical emergency, unless the offender executes affidavit of inability to defray the expenses of such travel. Likewise, exclusion from domiciliary care for a stated period will exclude an offender from hospital treatment (except in a medical emergency), for such stated period. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

Section 25.6067 canceled March 25, 1942. (See § 25.6066)

§ 25.6100 *Transportation of claimants and beneficiaries.* Transportation at Government expense may be supplied eligible claimants and beneficiaries of the Veterans' Administration, for these purposes:

(a) (1) Hospital admission of applicants under § 25.6047 (a) and (b), for treatment of service-connected conditions.

(2) Hospital admission of applicants under § 25.6047 (c), (d) or (e) for treatment of nonservice-connected conditions, provided these applicants have made sworn statement upon application, Form P-10, that they are unable to defray expense of transportation.

(3) Hospital admission for observation and examination.

(4) Admission for domiciliary care of applicants under § 25.6047 (d) and (e), provided applicants have made sworn statement of inability to defray expense of transportation.

(b) *Readmissions.* (1) Hospital readmissions, when medically determined necessary to observe progress, modify treatment or diet, etc. (2) The fur-

nishing of transportation incident to readmission for domiciliary care will require prior consent of the director of national homes. (3) No transportation will be furnished a person whose period of exclusion from hospital treatment or domiciliary care for infraction of facility discipline has not expired, except when emergent hospital treatment is required, and the applicant executes affidavit that he is unable to defray the expense of transportation to accomplish travel to a facility for such emergent hospital treatment.

(c) *Transfer.* Interfacility transfers for treatment, diagnosis or domiciliary care. Prior consent of the medical director will be had for transfers of patients en bloc. Transfers from hospital treatment to domiciliary care, or those between facilities for domiciliary care, will require prior consent of the director of national homes.

(d) *Discharge.* (1) Upon completion of hospitalization for treatment, or for observation and examination, and regular discharge, return transportation to the point from which the beneficiary had proceeded; or to another point if no additional expense be so caused the Government. (2) With prior approval of the medical director, a patient in a terminal condition may be discharged to his home, or transferred to a facility, suitable and nearest his home, regardless whether travel so required exceeds that covered in proceeding to the facility of original admission. (3) The furnishing of transportation to effect discharge of a member from domiciliary care will require prior consent of the director of national homes. (4) No return transportation will be supplied a patient who receives an irregular discharge from hospital treatment, unless he executes an affidavit of inability to defray the expense of return transportation.

(e) Out-patient physical examination, subject to exceptions defined in paragraph (g) of this section.

(f) *Out-patient treatment.* For service-connected conditions, including adjunct treatment thereof, subject to exceptions defined in paragraph (g).

(g) (1) Claimants or beneficiaries residing in the city or town where their out-patient examination is to be made or out-patient treatment rendered, or in such proximity to such city or town that it may be considered their place of residence, will not be furnished transportation for such out-patient service, except that a station vehicle may be used or expense of common carrier transportation allowed, when the fare involved exceeds ten cents each way, and the Administrator approves the exercise of this special authority at selected points. (2) Transportation for out-patient treatment will not be supplied an applicant whose period of exclusion from hospital treatment or domiciliary care for a disciplinary offense has not expired. (3) No return transportation will be supplied a claimant or beneficiary who has not completed an out-patient service, unless he executes an affidavit that he is unable to defray the expense of such return travel.



(h) All travel for the foregoing purposes, (a) to (f), must be authorized in advance. In emergent hospital admissions, such prior authority may be given by telephone or telegraph, subject to confirmation in writing by the authorizing employee.

(i) The accessories of transportation—means and lodging en route, Pullman accommodations, and accompaniment by an attendant or attendants—may be authorized when determined necessary for the travel.

(j) In furnishing transportation and other expenses incident thereto, as defined, the Veterans' Administration may (i) issue requests for transportation, meals and lodging; or (ii) reimburse the claimant, beneficiary or representative for payment made for such purpose, upon due certification of vouchers submitted therefor; or (iii) make mileage allowance.

(k) Transportation of beneficiaries of other Federal agencies, incident to medical services rendered upon requests of those agencies, will not be furnished by the Veterans' Administration. Transportation requests incident to medical services rendered Canadian and British imperial pensioners will be subject to reimbursement by the Department of Pensions and National Health, Canada. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

Sections 25.6101–25.6108 inclusive canceled March 25, 1942.

#### ORTHOPEDIC AND PROSTHETIC APPLIANCES

§ 25.6115 (a) Orthopedic or prosthetic appliances furnished entitled beneficiaries of the Veterans' Administration, will be of approved types. Repairs or replacements thereof may be made, as provided, when necessitated, in medical judgment, because of wear, loss not due to negligence or design of the beneficiaries and for other sufficient reasons.

(b) Dental prostheses are not comprehended as orthopedic and prosthetic appliances.

(c) Artificial limbs and other prosthetic or orthopedic appliances of a permanent type may be purchased, made or repaired for; and special clothing made necessary by wear of such appliances may be furnished to:

(1) Out-Patients, entitled to and in need of such appliances, etc., (i) for a disease or injury which is service-connected, or (ii) for an associated condition, not attributed to military or naval service, but held to be aggravating the disability from a service-connected disease or injury (adjunct treatment).

(2) Hospitalized patients, when medically held needed for (i) a service-connected condition; (ii) an associated disease or injury held to be aggravating disability from a service-connected disorder (adjunct treatment); (iii) a disease or injury, not attributed to military or naval service, for which hospitalization had been authorized; or (iv) for a condition, also not service-connected, that is associated with and held to be aggravating disability from the disease or injury for which the patient had been

admitted to hospital (auxiliary treatment). Repair or replacement of a previously supplied artificial limb will not be considered invariably necessitated because of surgical treatment of a stump in itself, e. g., for ulcer or neuroma; but when, because of reamputation or other treatment, or a disease process resulting in atrophy, sufficient change in the contour of the stump occurs, alteration or replacement of a socket or other part of the artificial limb or, if necessary, the furnishing of a new limb, will be authorizable.

(3) Domiciled members, when medically held needed for (i) a service-connected condition; (ii) a disease or injury not service-connected, but held to be aggravating disability from a service-connected condition (adjunct treatment); (iii) appliances, except artificial limbs and hearing devices, not considered for furnishing under (i) or (ii), may nevertheless be procured or repaired for domiciled members, when medically determined necessary as an incident of domiciliary care. In individual cases when, in medical judgment, an artificial limb or hearing device (or repair to either) is held necessary as an incident of domiciliary care, and is not furnishable under (i) or (ii) hereof, a recommendation for such service, with a sufficient explanation of the circumstances, may be submitted to the medical director, whose approval or disapproval will decide whether such article is to be supplied. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

§ 25.6116 *Retired personnel, regular establishment—(a) Out-patients.* (1) In compliance with an Executive Order, effective December 1, 1930, relieving the Surgeon General, War Department, of the duty, the Veterans' Administration, under the provisions of chapter 5, sections 241–250, Title 38, United States Code, as amended, may provide an artificial limb or other apparatus, or commutation in lieu thereof, once every three years, for any officer or enlisted man retired from the Regular Establishment, who had lost a limb or the use thereof through injury or disease incurred in line of duty in the military or naval service at any time; and for any civilian employee of the Military or Naval Service, Regular Establishment, who had lost a limb or the use thereof through injury or disease incurred in line of duty as such, prior to September 7, 1916, (the date of the Federal Employees Compensation Act). An army nurse is to be considered a civilian employee within the meaning of the statute cited.

(2) Persons defined in (1) may elect to receive, once every three years, either a necessary artificial limb or limbs, or commutation in lieu at rates specified by law, but both such limb or limbs and such commutation cannot be supplied. If such person elects the furnishing of an artificial limb or other appliance in kind, it will be supplied under an approved contract, if obtainable at a price not to exceed \$125.00; if not so obtainable, competitive bids therefor will be invited and the award made to the lowest responsible bidder, provided that bid does not exceed \$125.00.

(3) Repairs of artificial limbs or other appliances furnished persons under (1) and (2) will not be made at Government expense, and no replacements will be effected under three years.

(4) Trusses will be supplied persons defined in (1) who had been ruptured in a war; and replacement of such truss can be effected when it becomes useless from wear, or is damaged or lost without negligence of the beneficiary; provided that application for a new truss will not be accepted more than once in two and one-half years.

(5) Transportation of such retired personnel, Regular Establishment, necessitated for fitting of an artificial limb, may be furnished by the Veterans Administration. Transportation for fitting of a truss is not authorized.

(6) Upon receipt, by the medical director, of requests from such retired persons for an artificial limb, other appliance or truss, eligibility of the applicants will be determined, and the managers of the field stations of the Veterans Administration which are nearest the place of residence of the applicants will be directed to arrange the procurement of the article from an approved contractor or approved bidder, respectively. Prosthetic Appliances Service Card, Form 2529, bearing the notation "Retired" for identification will be prepared, as for other beneficiaries. Vouchers for the purchased article will be forwarded to the medical director, with explanatory letter identifying the beneficiary as "Retired, Reg. Estab."

(b) *Hospitalized patients.* Retired personnel, Regular Establishment (Army, Navy, Marine Corps or Coast Guard) entitled to hospital treatment by the Veterans Administration because of honorable service in a war period (Public No. 198, 76th Congress and Public No. 365, 77th Congress) will be entitled to the furnishing of an artificial limb or other appliance during such hospitalization, subject to the conditions specified in paragraph (a) (1) to (4) of this section. Recommendations for this service, based upon the principles in § 25.6115 (c) (2) will be made to the medical director, whose approval or disapproval thereof will guide subsequent action. In such recommendations, the applicants will be identified as "Retired, Reg. Estab. (Pub., No. 198, 76th Cong. and Pub., No. 365, 77th Cong.)"

(c) *Domiciled members.* Retired personnel, Regular Establishment (Army, Navy, Marine Corps or Coast Guard) admitted for domiciliary care (Public No. 198, 76th Congress; Public No. 365, 77th Congress) will be supplied an artificial limb or other apparatus during domiciliation, subject to the conditions specified in paragraph (a) (1) to (4) of this section. Recommendations for such service, based upon the principles in § 25.6115 (c) (3), will be submitted to the medical director, with the identification provided in paragraph (b) of this section. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

§ 25.6117 *Retired personnel, not regular establishment.* Retired personnel, not Regular Establishment, as comprehended by Public No. 18, as amended by Public No. 213, 76th Congress, and by



Public No. 262, 77th Congress, when granted hospitalization by the Veterans' Administration at the prescribed per diem rate, will not be entitled to the furnishing of permanent orthopedic appliances during such hospitalization. However, if such applicants for hospitalization had had previous military or naval service in war time, and are admitted as war veterans for hospital treatment, then they may be furnished orthopedic and prosthetic appliances in accordance with the provisions of § 25.6116 (b). (March 25, 1942) (46 Stat. 9; 38 U.S.C. 706)

#### DENTAL SERVICES

§ 25.6120 *Authorization of dental examinations.* When a detailed report of dental examination is essential for a determination of eligibility for benefits, a chief dental officer or other empowered official may authorize dental examination for the following classes of claimants or beneficiaries:

(a) Those having a dental disability adjudicated as incurred or aggravated in military or naval service, in wartime or peacetime.

(b) Those having service-connected disability from disease or injury other than dental, but with an associated and not service-connected dental condition that is considered to be aggravating the basic service-connected disorder.

(c) Those for whom a dental examination is ordered as a part of a general physical examination.

(d) Those requiring dental examination during hospital treatment or domiciliary care.

(e) Those held to have suffered dental injury or aggravation of an existing dental injury as the result of examination, hospitalization, or medical or surgical (including dental) treatment that had been awarded.

(f) Those for whom a special dental examination is authorized by the medical director. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

Section 25.6122 canceled March 25, 1942.

§ 25.6123 *Authorization of dental treatment.* Dental treatment may be authorized for the following classes of beneficiaries:

(a) Class I—Those having service-connected compensable dental or oral disabilities.

(b) Class II—Those having service-connected noncompensable dental or oral disabilities.

(c) Class III—Those having a dental condition, not service-connected, but medically determined to be aggravating disability from an associated systemic disorder that is either service-connected or not service-connected (see adjunct and auxiliary treatment).

(d) Class IV—Those receiving domiciliary care who require dental treatment. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

§ 25.6124 *Emergency dental relief.* This will comprehend the alleviation of pain or extreme discomfort, or adequate

remediation of a dental or oral condition which is determined to be immediately endangering the life or health of the individual. Such emergency relief, which may be furnished an applicant whose prima facie eligibility therefor has been shown, but whose claim for benefits has not yet received favorable adjudication, will not in itself entitle him to further dental treatment that may be indicated, unless and until his eligibility for such continuance of treatment is duly determined. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

Section 25.6126 canceled March 25, 1942.

§ 25.6128 *Authorization of emergency dental relief.* Emergency dental relief may be authorized by a chief medical officer, clinical director, a chief of service, chief dental officer, or other full time physician or dentist of the Veterans Administration. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

§ 25.6129 *Extent of dental treatment.* The type and extent of dental treatment in any individual case will be determined by a dental officer of the Veterans Administration in accordance with the following principles:

(a) In Class I (see § 25.6123) any dental treatment indicated as reasonably necessary to retain masticatory function in every way possible, may be authorized. Prior approval of the medical director will be secured for any treatment of a condition that is not specifically covered by the current dental disability rating.

(b) (1) In Class II, any treatment indicated as necessary for the correction of war time service connected dental disabilities may be authorized as well as for peace time service connected dental disabilities, provided the applicant was honorably discharged on account of disability incurred in line of duty, or is in receipt of pension for a service incurred disability. When diseased teeth (the disability from which is service-connected) are to be replaced by means of vulcanite dentures, all other diseased teeth in the same maxilla may be extracted, if necessary, and the dentures may be constructed accordingly. This principle will also apply when extraction is indicated for mechanical reasons; but in constructing bridges for missing teeth, the loss of which has not been attributed to military or naval service, only mechanical necessity will permit consideration of such missing teeth in designing the bridge.

(2) When service-connection has been established only for teeth missing from one maxilla, and vulcanite dentures for both jaws are determined necessary to meet proper treatment indications, extractions of teeth in the opposing maxilla may be made. Prior approval of the medical director will be secured for this type of service.

(3) Missing third molar teeth, loss of which has been attributed to military or naval service, will not be replaced; nor will such circumstance be held to call for replacement of other missing teeth whose loss is not service-connected.

(c) In Class III, treatment will be rendered, as adjunct or auxiliary measures, only for those dental conditions which, in sound professional judgment, are having a direct and material detrimental effect upon an associated basic disease.

(d) In Class IV sufficient treatment will be rendered domiciliary members to keep their mouths in a hygienic and comfortable condition, with sufficient masticatory surface to maintain health. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

#### REIMBURSEMENT OR PAY FOR EXPENSES OF UNAUTHORIZED MEDICAL SERVICES

§ 25.6141 *Classes of claims comprehended.* Claims for reimbursement of or payment for medical treatment obtained without prior authorization from the Veterans' Administration (including the necessary travel incidental to the procurement of such treatment) may be submitted and will be considered under the following conditions:

(c) As to unauthorized treatment rendered subsequent to March 19, 1933, the eligibility criteria defined in paragraph (b) (1) (2) and (3) of this section will apply; and, in addition, it must be shown that, when the unauthorized expense was incurred, the disability from the disease or injury for which treatment had been rendered was service-connected. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

[SEAL]

FRANK T. HINES,  
Administrator.

[F. R. Doc. 42-2598; Filed, March 25, 1942; 11:11 a. m.]

#### TITLE 49—TRANSPORTATION AND RAILROADS

##### Chapter I—Interstate Commerce Commission

##### PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

NOTE: An order of the Interstate Commerce Commission modifying the classifications of Investment in Road and Equipment; Income, Profit and Loss, and General Balance Sheet Accounts; also Accounting Bulletin No. 15, Interpretations of Accounting Classifications, for steam roads, dated March 12, 1942, effective January 1, 1943, was filed with the Division of the Federal Register on March 26, 1942 at 11:13 a. m. (F.R. Doc. 42-2635). Requests for copies should be addressed to the Interstate Commerce Commission.

##### PART 195—ACCIDENT REPORTS

##### MOTOR-CARRIER ACCIDENT REPORTS

At a Session of the Interstate Commerce Commission, Division One, held at its office in Washington, D. C., on the 19th day of March, A. D. 1942.

It appearing that by its order of May 27, 1939, Division Five of the Commis-



sion prescribed revised Motor Carrier Safety Regulations, 14 M.C.C. 669, in § 4.2 of which it was required that accidents resulting in property damage to an apparent extent of \$25.00 or more be reported to the Commission;

And it further appearing that under present conditions it is desirable that the minimum amount of property damage in a reportable accident be increased to \$100.00;

*It is ordered*, That § 4.2 of the Commission's revised Motor Carrier Safety Regulations and corresponding section of the Code of Federal Regulations be, and it is hereby, amended to read as follows:

§ 195.2 *Reportable accidents.* Every motor carrier shall report to the Commission in the manner hereinafter prescribed, every accident in which a motor vehicle operated by him or it is involved, and from which there results an injury to or death of any person, or property damage to any and all vehicles, cargo, or other property involved, to an apparent extent of \$100.00 or more.

*It is further ordered*, That this order shall become effective May 1, 1942, and shall continue in effect until the further order of the Commission;

*And it is further ordered*, That notice of this order be given to all carriers by motor vehicle subject to Part II of the Interstate Commerce Act and to the public by publishing it in the FEDERAL REGISTER, and by depositing copies of the order in the office of the Secretary of the Commission in Washington, D. C. and in the office of each of the District Directors of the Bureau of Motor Carriers of the Commission.

By the Commission, Division One.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 42-2634; Filed, March 26, 1942;  
11:19 a. m.]

## Notices

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket No. A-1359]

PETITION OF DISTRICT BOARD 14 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT CERTAIN MINES IN PRODUCTION GROUP NO. 5 IN DISTRICT NO. 14

#### NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937 having been duly filed with this Division by the above-named party;

*It is ordered*, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on April 21, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, at Sebastian County Circuit Court, in Fort Smith, Arkansas.

*It is further ordered*, That Scott A. Dahlquist, or any other officer or offi-

cers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before April 15, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the request of District Board No. 14 for revision of the price classifications and minimum prices for the coals produced at the mines of certain code members in Production Group 5 in District No. 14, and, more particularly:

1. for the revocation of the price classifications and minimum prices for the coals in Size Groups 3 and 19 of Mine Index No. 511, operated by code member Paris Purity Coal Company;

2. for the establishment for the coals in Size Groups 4, 9, 10, 11, 13 and 17 of Mine Index No. 511 of the same price classifications and minimum prices as are effective for the coals in those size groups produced at Mine Index 13 operated by Boyd Excelsior Operating Co. and at the other so-called A Grade mines in Production Group 5;

3. for the establishment for the coals in Size Groups 10, 13 and 17 of Mine Index No. 195 operated by code member Harper-Thornton Coal Co. of the same price classifications and minimum prices as are effective for the coals in those size groups of Mine Index No. 13 and of the other A Grade mines in Production Group 5; and

4. for increases to the level of the price classifications and minimum prices now effective for the coals of Mine Index No. 13 and of the other A Grade mines in Production Group 5, in the price classifications and minimum prices for the coals of the following mines:

Mine Index No. 14—Boyd-Sicard Coal Company.

Mine Index No. 34—Excelsior Thin Vein Coal Company.

Mine Index No. 195—Harper-Thornton Coal Company, Inc.

Mine Index No. 553—Lewis-Excelsior Coal Company.

Mine Index No. 511—Paris Purity Coal Company.

Mine Index No. 176—Peerless Coal Co.

Mine Index No. 2—Watson Excelsior Coal Co.,

to the end that the coals of all of the mines named and referred to in this paragraph 4 will be subject to the following price classifications and minimum prices in cents per net ton f. o. b. the mines:

#### (For Truck Shipments)

Size groups.....	4	6	7	8	9	10	11	13	14	15	16	17	18
Prices.....	445	445	445	445	420	370	355	200	135	115	105	185	345

#### (For All Shipments Except Truck)

Price classifications.....	D	E	E	E	E	G	F	D	B	B	B	A	J
----------------------------	---	---	---	---	---	---	---	---	---	---	---	---	---

Dated: March 25, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-2627; Filed, March 26, 1942;  
10:26 a. m.]

[Docket No. A-1371]

PETITION OF DISTRICT BOARD NO. 19 FOR THE ESTABLISHMENT OF A PRICE CLASSIFICATION AND MINIMUM PRICE FOR THE COALS IN SIZE GROUP 8 PRODUCED AT CERTAIN MINES IN DISTRICT NO. 19, FOR SHIPMENT BY RAIL INTO MARKET AREA 243 (ALASKA)

#### NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

*It is ordered*, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on April 7, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Room 220, United States Post Office Building in Salt Lake City, Utah.

*It is further ordered*, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, to prepare and submit proposed findings of fact and conclusions of law and the recommendation of an appropriate order in the premises and to perform all other duties



in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before April 1, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise or which may be necessary corollaries to the relief, if any, granted on the basis of the petition.

The matter concerned herewith is in regard to the request of District Board No. 19 for the establishment of a minimum price of \$2.75 per net ton f. o. b. the mines for the coals in Size Group 8 (3" x 1 1/8" nut) produced in Subdistricts 1 and 2 in District No. 19, for shipment by rail into Market Area 243 (Alaska).

Dated: March 25, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-2628; Filed, March 26, 1942;  
10:26 a. m.]

[Docket No. A-1338]

PETITION OF STITH COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 13, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES IN SIZE GROUPS 12, 16, 17 AND 22 FOR THE COALS OF ITS AMERICA NO. 5 MINE (MINE INDEX NO. 1453) FOR ALL SHIPMENTS EXCEPT TRUCK

#### ORDER DISMISSING PETITION

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was duly filed with this Division by the above named party on February 28, 1942 and requested the establishment of temporary price classifications and minimum prices for the coals of its America No. 5 Mine (Mine Index No. 1453) for all shipments except truck in Size Groups 12, 16, 17 and 22. In an order signed today in Docket A-1330 on the petition of District Board No. 13, temporary and conditionally final prices are established for the coals of this mine in these size groups exactly as sought by the original petitioner in the above entitled matter.

It appears, therefore, that there is no necessity for considering the request of the original petitioner and that this petition should be dismissed.

No. 60—5

Now, therefore, it is ordered, That the above entitled proceeding be, and it hereby is, dismissed without prejudice.

Dated: March 25, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-2629; Filed, March 26, 1942;  
10:26 a. m.]

[Docket Nos. A-1345, A-1365]

PETITION OF DISTRICT BOARDS NOS. 19 AND 20 FOR THE INCLUSION OF FISCHER, IDAHO AMONG THE DESTINATIONS SET FORTH IN PRICE INSTRUCTION AND EXCEPTIONS NOS. 10 AND 11 IN THE SCHEDULES OF EFFECTIVE MINIMUM PRICES FOR ALL SHIPMENTS

#### ORDER OF CONSOLIDATION AND NOTICE OF AND ORDER FOR HEARING

Petitions presenting analogous issues having been duly filed with this Division by the above-named parties, pursuant to the Bituminous Coal Act of 1937; and

A hearing having been duly scheduled upon the petition of District Board No. 20 in Docket No. A-1345 to be held on April 7, 1942, at Salt Lake City, Utah;

It is ordered, That the above-entitled matters be, and they hereby are, consolidated for the purpose of hearing and for such other purposes as the officer designated to preside at such hearing may deem appropriate.

It is further ordered, That a hearing upon the petition of District Board No. 19 in Docket No. A-1365 under the applicable provisions of said Act and the rules of the Division be held on April 7, 1942, at 10 o'clock in the forenoon of that date at a hearing room of the Bituminous Coal Division, Room 220, United States Post Office Building in Salt Lake City, Utah.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matters. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, to prepare and submit proposed findings of fact and conclusions of law and the recommendation of an appropriate order in the premises and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petitions is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before April 1, 1942.

All persons are hereby notified that the hearing in the above-entitled matters and any orders entered therein, may concern, in addition to the matters specifically alleged in the petitions, other matters necessarily incidental and related thereto, which may be raised by amendment to the petitions, petitions of intervention or otherwise or which may be necessary corollaries to the relief, if any, granted on the basis of the petitions.

The matter concerned herewith is in regard to:

(1) as to Docket No. A-1345, the request of District Board No. 20 for revision of Price Instruction and Exception No. 10 in the Schedule of Effective Minimum Prices for District No. 20 for All Shipments to include Fischer, Idaho, among the destinations therein named, so that the coals in Size Groups 10 and 11 produced in that district may be shipped at a 20¢ per ton reduction from the otherwise applicable minimum prices to consumers for consumption at Fischer, Idaho, subject to the limitations and conditions provided in that price instruction and exception; and

(2) as to Docket No. A-1365, the request of District Board No. 19 for revision of Price Instruction and Exception No. 11 in the Schedule of Effective Minimum Prices for District No. 19 for All Shipments to include Fischer, Idaho, among the destinations therein named, so that the coals in Size Groups 15, 16 and 17 produced in Subdistricts 1 and 2 in that district may be shipped at a reduction of 20¢ per ton below the otherwise applicable minimum prices to consumers for consumption at Fischer, Idaho, subject to the limitations and conditions provided in that price instruction and exception.

Dated: March 25, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-2630; Filed, March 26, 1942;  
10:26 a. m.]

[Docket No. A-302]

PETITION OF THE FORD COLLIERIES COMPANY, A PRODUCER IN DISTRICT NO. 2, FOR A REDUCTION IN THE EFFECTIVE MINIMUM PRICES IN SIZE GROUPS 7 AND 8 COALS FOR SHIPMENT INTO MARKET AREA 10

#### ORDER ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER, DENYING REQUEST FOR ORAL ARGUMENT, AND DENYING RELIEF

This proceeding having been instituted upon a petition, filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by the Ford Collieries Company, a code member in District 2, requesting a reduction in the classification of the coals of the petitioner's Berry Mine (Mine Index No. 12) and Francis Mine (Mine Index No. 72) in Size Groups 7 and 8, for shipment by rail to all destinations in Market Area 10, from C to E, and a consequent reduction in the effective



tive minimum price of said coals from \$2.05 to \$1.95 per ton; or, in the alternative, that such change be restricted to one consumer in Market Area 10, the Hammermill Paper Company;

Petitions of intervention having been filed by District Boards 1, 2, and 3; by Carrier & Son, Elba Coal Company, Clarion Coal Mining Company, A. D. Grasso, P. & G. Coal Company, and Wolf-O-Lac Coal Company, producers in District 1; and by the Butler Consolidated Coal Company, the Cosco Gas Coal Company, and the Pittsburgh & Erie Coal Company, producers in District 2;

Temporary relief having been granted by the Director, limited to shipments to the Hammermill Paper Company and further limited to 80 per cent of the total tonnage purchased monthly by Hammermill;

Pursuant to Order of the Director, a hearing in this matter having been held before J. D. Dermody, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The Examiner having filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter, dated September 26, 1941, in which he recommended that the relief requested be denied;

The petitioner having filed exceptions to the Examiner's Report, and a brief in support thereof; District Board 2 having filed a reply to the brief of the petitioner; and the petitioner having filed a brief in reply to the reply brief of District Board 2;

The undersigned having made Findings of Fact and Conclusions of Law herein and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the request for oral argument herein be, and it hereby is, denied.

It is further ordered, That the exceptions of the petitioner, the Ford Collieries Company, to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner be, and they hereby are, severally overruled.

It is further ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That the prayers for relief contained in the petition filed herein be, and they hereby are, denied.

It is further ordered, That the temporary relief heretofore granted herein by the Director, applicable on shipments to the Hammermill Paper Company in Market Area 10, be, and it hereby is revoked and withdrawn, effective fifteen (15) days from the date of this Order.

Dated March 25, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-2631; Filed, March 26, 1942;  
10:27 a. m.]

[Docket No. 1703-FD]

IN THE MATTER OF BENCHLEY & VERMILLION COAL COMPANY, DEFENDANT

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint having been filed on June 11, 1941 by the Bituminous Coal Producers Board for District No. 4, as complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by the defendant, Benchley & Vermillion Coal Company, a code member, of the Act, the Bituminous Coal Code (the "Code"), and the effective minimum prices established thereunder, and

A hearing having been held thereon on October 2, 1941, at Canton, Ohio; and

An order having been entered on March 9, 1942, cancelling and revoking the code membership of the defendant, Benchley & Vermillion Coal Company effective fifteen (15) days from and after the date of entry of said order; and

Benchley & Vermillion Coal Company having filed with the Division its application dated March 24, 1942, for restoration of its code membership to become effective simultaneously with the effective date of such cancellation and revocation of its code membership; and

It appearing from said application that said Benchley & Vermillion Coal Company duly paid to the Deputy Collector of Internal Revenue at Canton, Ohio, on March 24, 1942, the sum of \$2,644.09, representing 39 per cent penalty tax as a condition precedent to restoration of its membership in the Bituminous Coal Code;

It is ordered, That said application of Benchley & Vermillion Coal Company dated March 24, 1942, for restoration of its code membership to become effective simultaneously with the effective date of said cancellation and revocation of code membership, be and the same hereby is granted.

It is further ordered, That said restoration of the code membership of Benchley & Vermillion Coal Company shall become effective simultaneously with the effective date of said cancellation and revocation of code membership.

Dated: March 25, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-2632; Filed, March 26, 1942;  
10:27 a. m.]

[Docket No. B-58]

IN THE MATTER OF J. G. JORDAN AND W. R. MCCRAY, ALSO KNOWN AS J. G. JORDAN AND W. R. MCCRAY, INDIVIDUALS, TRADING AS JORDAN AND MCCRAY, A PARTNERSHIP, CODE MEMBER

CEASE AND DESIST ORDER

District Board No. 8, the complainant, having filed a complaint with the Bituminous Coal Division on September 26,

1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that J. G. Jordan and W. R. McCray, also known as J. G. Jordan and W. R. McCray, individuals, trading as Jordan and McCray, a code member in District No. 8, wilfully violated the Bituminous Coal Code or rules and regulations thereunder by selling on March 21, 1941, 6.5 tons of  $\frac{3}{4}$ " slack coal produced at the code member's mine (Mine Index No. 2333), to Basil Shore at 75 cents per ton f. o. b. the mine for shipment by truck, whereas the effective minimum price established for such coal was \$1.50 per ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments;

Pursuant to an order of the Director and after due notice to all interested persons, a hearing having been held in this matter on January 28, 1942 before Travis Williams, a duly designated Examiner of the Division, at a hearing room thereof at Abingdon, Virginia, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The complainant and the code member having appeared at the hearing, and all interested parties having joined in waiving the preparation and filing of a report by the Examiner, and the record of the proceeding thereupon having been submitted to the undersigned for consideration;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion which are filed herewith;

Now, therefore, it is ordered, That J. G. Jordan and W. R. McCray, also known as J. G. Jordan and W. R. McCray, individuals, trading as Jordan and McCray, a partnership, their representatives, servants, agents, employees, attorneys, successors or assigns, and all persons acting or claiming to act in their behalf or interest, cease and desist and they are permanently enjoined and restrained from selling or offering for sale coal at prices below the effective minimum prices established therefor, or violating the provisions of the Bituminous Coal Act, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments, and the Marketing Rules and Regulations.

It is further ordered: That if the code member or any of the partners thereof, fails or neglects to obey this Order, the Division may in its discretion forthwith apply to the Circuit Court of Appeals of the United States within any Circuit where such code member or any partner thereof carries on business for the enforcement thereof, or take any other appropriate action.

Dated: March 25, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-2633; Filed, March 26, 1942;  
10:27 a. m.]



## CIVIL AERONAUTICS BOARD.

[Docket No. 603]

PETITION OF UNITED AIR LINES TRANSPORT CORPORATION FOR AN ORDER FIXING AND DETERMINING FAIR AND REASONABLE RATES OF COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH, OVER ROUTE No. 57

## NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on March 30, 1942, at 10 a. m. (eastern standard time) in Room 5419 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before an examiner of the Board.

Dated at Washington, D. C., March 25, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-2613; Filed, March 26, 1942;  
9:16 a. m.]

## OFFICE OF DEFENSE TRANSPORTATION.

[Order No. 1]

TOLEDO, PEORIA AND WESTERN RAILROAD COMPANY

## APPOINTMENT OF MANAGER

Pursuant to authority vested in me by Executive Order No. 9108,<sup>1</sup> dated March 21, 1942, effective this date, John W. Barriger is hereby appointed Federal Manager of the properties of the Toledo, Peoria and Western Railroad Company, with full authority, subject to my direction, to take immediate possession of and assume control over all real and personal property, franchises, rights, and other assets, tangible and intangible, of the Toledo, Peoria and Western Railroad Company and to operate or arrange for the operation of such railroad properties in such manner as may be necessary for the successful prosecution of the war, through or with the aid of such public or private agencies, persons, or corporations as he may designate.

This appointment shall remain effective until my further order.

Dated at Washington, D. C., this 21st day of March 1942.

JOSEPH B. EASTMAN,  
Director.

[F. R. Doc. 42-2604; Filed, March 25, 1942;  
12:56 p. m.]

<sup>1</sup> 7 F.R. 2201.

## OFFICE FOR EMERGENCY MANAGEMENT.

Office of the Alien Property Custodian.

## CERTIFICATE OF APPOINTMENT OF DEPUTY ALIEN PROPERTY CUSTODIAN

Know all men by these presents: That I do hereby designate and appoint James E. Markham, of Lowell, Massachusetts, Deputy Alien Property Custodian, and do hereby delegate to, confer upon and vest in the said Deputy Alien Property Custodian, in the absence of the Alien Property Custodian or in the event of his inability to act, to the extent permitted by law, all of the powers and authority granted and delegated to, conferred upon and vested in, or which may be granted and delegated to, conferred upon and vested in the Alien Property Custodian by the laws of the United States of America, orders of the President of the United States, or regulations made or issued in pursuance of said laws or orders, including, without being limited to, the power and authority to appoint and fix the compensation of attorneys, investigators, accountants, clerks and such other employees as may be deemed to be necessary for the due and proper administration of the provisions of said laws, orders of the President, and regulations; and I do hereby further delegate to, confer upon and vest in the said Deputy Alien Property Custodian full authority at all times to exercise any and all of the powers granted and delegated to, conferred upon and vested in, or which may be granted and delegated to, conferred upon and vested in the Alien Property Custodian by the laws of the United States, orders of the President, and regulations made or issued pursuant to said laws or orders, to the extent that such authority may be lawfully delegated by the Alien Property Custodian.

In testimony whereof, I have hereunto set my hand this nineteenth day of March 1942.

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 42-2640; Filed, March 26, 1942;  
11:59 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-433]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA, INC.

NOTICE REGARDING FILING OF AMENDMENT, AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 24th day of March, A. D. 1942.

Notice is hereby given that Public Service Company of Indiana has filed an amendment to its application-declaration previously filed with this Commission. All interested persons are referred to said document which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

The application-declaration contemplates the present issuance, at face value plus accrued interest, of \$4,000,000 principal amount of First Mortgage Bonds, Series D, 3 $\frac{3}{8}$ %, due 1971. It is proposed that the bonds will be sold to Massachusetts Mutual Life Insurance Company, The Penn Mutual Life Insurance Company, Aetna Life Insurance Company, and Pacific Mutual Life Insurance Company in the principal amounts of \$1,500,000, \$1,000,000, \$1,000,000 and \$500,000, respectively. Exemption is requested from the provisions of Rule U-50 with respect to the sale of said proposed bonds.

The application-declaration also proposes the issuance and sale, "if and as soon as bond market conditions are such as warrant the making of such sale," of an additional \$38,000,000 principal amount of First Mortgage Bonds, of which the proceeds are proposed to be used for the redemption of presently outstanding \$38,000,000 principal amount of First Mortgage Bonds, Series A, 4%, due 1969.

The application-declaration represents that it is proposed to secure the approval of the Public Service Commission of Indiana. An order of this Commission is requested exempting the proposed issuance from the declaration requirements of the Act, pursuant to section 6 (b) thereof.

The filing requests that the Commission modify the terms of a previous order issued on March 27, 1941 and applicable to Public Service Company of Indiana, Inc. (see Holding Company Act Release No. 2658) which order in effect provides that in addition to the sinking fund provisions of its outstanding long term debt the Company should retire by 1958 \$3,859,500 additional amount of its long term debt. The bonds presently proposed to be issued are subject to certain sinking fund provisions. The effect of the proposed suggested modifications would be that the additional amount of long term debt to be retired by 1958 should aggregate \$3,430,000 (the sinking fund provisions applicable to the new bonds would make the total retirement substantially that required by our order of March 27, 1941.)

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application-declaration, and that said application shall not be granted and such declaration not be permitted to



become effective except pursuant to further order of the Commission;

*It is ordered*, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on April 6, 1942 at 10:00 in the forenoon of that day at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the Hearing Room Clerk in room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why said declaration shall become effective;

*It is further ordered*, That Robert P. Reeder or any other officer or officers of the Commission designated by the Commission for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act, and to a trial examiner under the Commission's Rules of Practice;

Notice of said hearing is hereby given to applicant-declarant, to all security holders thereof, to all interested state commissions, and to all other interested persons. Said notice shall be given by service of a copy of this order by registered mail to said applicant-declarant, and by publication in the *FEDERAL REGISTER*. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice or request to that effect with the Commission on or before April 1, 1942;

*It is further ordered*, That, without limiting the scope of issues presented by said declaration or application, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the proposed issuance of bonds is entitled to the exemption from the Holding Company Act of 1935 provided by the third sentence of section 6 (b) of said Act.

2. In the event that said application for exemption is granted, what terms and conditions, either by way of dividend restrictions or otherwise, should be imposed as being necessary or appropriate in the public interest or for the protection of investors or consumers.

3. Whether and to what extent the conditions previously imposed in the Commission's order of March 27, 1941, should be modified as requested by applicant-declarant.

4. Whether compliance with the requirements of Rule U-50 is not appropriate in the public interest or for the protection of investors or consumers as a condition to the exemption of the proposed issuance from the provisions of section 6 (a) of the Act, or to aid the Commission in determining what terms and conditions should be imposed with respect thereto.

By the Commission.

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-2624; Filed, March 26, 1942;  
9:32 a. m.]

[File Nos. 59-13, 54-29]

IN THE MATTERS OF STANDARD POWER AND  
LIGHT CORPORATION

ORDER CONSOLIDATING PROCEEDINGS AND NO-  
TICE OF AND ORDER RECONVENING HEARINGS  
IN SAID PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 25th day of March, A. D. 1942.

The Commission having heretofore instituted proceedings under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 with respect to Standard Power and Light Corporation, a registered holding company (File No. 59-13), and a hearing having been held after due notice; and

The said company having filed on November 2, 1940, pursuant to section 11 (e) of said Act, an application for approval of a plan of reorganization and recapitalization to effectuate the provisions of section 11 (b) (File No. 54-29), and a hearing having been held after due notice; and

It appearing to the Commission that there are common issues of fact and of law arising in connection with said two matters; and that the administration of the Act will be facilitated by an order consolidating the two proceedings; and it further appearing that the hearings should be reconvened;

*It is hereby ordered*, That the proceedings heretofore commenced under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 (File No. 59-13), and the application heretofore filed by Standard Power and Light Corporation pursuant to section 11 (e) of said Act (File No. 54-29), be and are hereby consolidated.

*It is further ordered*, That jurisdiction be and is hereby reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, the matters herein consolidated.

*It is further ordered*, That the hearings heretofore commenced in these proceedings, herein consolidated, shall be reconvened, on April 15, 1942, at ten o'clock in the forenoon of that day at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk in room 318 before James G. Ewell, an officer of the Commission, or before such other officer as the Commission may hereafter designate. The officer so designated to preside at such reconvened hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

*It is further ordered*, That the Secretary of the Commission shall serve notice of the issuance of this notice and order and of the reconvening of said consolidated hearing by mailing a copy of this notice and order by registered mail to Standard Power and Light Corporation and to each of the attorneys of record herein and to each of the persons who have filed petitions for leave to intervene

herein, and that notice of the reconvening of said hearings is hereby given to said company and all other persons, including the security holders and consumers of the said company, to all State commissions, State securities commissions, and all agencies, authorities or instrumentalities of one or more States, municipalities, or other political subdivisions having jurisdiction over any of the businesses, affairs, or operations of said company, such notice to be given by publication of this notice and order in the *FEDERAL REGISTER*, and by publication of this notice and order as a general release, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-2620; Filed, March 26, 1942;  
9:31 a. m.]

[File No. 70-520]

IN THE MATTER OF PUBLIC SERVICE ELECTRIC  
AND GAS COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 25th day of March 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Public Service Electric and Gas Company. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Public Service Electric and Gas Company, a New Jersey corporation and a subsidiary of Public Service Corporation of New Jersey, proposes, pursuant to the provisions of a Supplemental Indenture to be dated March 1, 1942, to issue and sell, at the price of 100% of the principal amount and accrued interest to the closing date, \$15,000,000 of First and Refunding Mortgage Bonds, 3% Series, due 1972, to the following proposed purchasers, and in principal amounts as indicated: The Prudential Insurance Company of America, \$3,000,000; New York Life Insurance Company, \$3,000,000; Metropolitan Life Insurance Company, \$3,000,000; The Mutual Benefit Life Insurance Company, \$2,000,000; The Mutual Life Insurance Company of New York, \$2,000,000; The Penn Mutual Life Insurance Company, \$1,000,000; and Sun Life Assurance Company of Canada, \$1,000,000.

It is further proposed that the proceeds of said issue and sale be applied, in part, to reimburse the company's treasury for expenditures for property additions and extensions, and, in part, to provide funds for further property additions and extensions.

In connection with said application or declaration, Public Service Electric and Gas Company has applied, pursuant to



the provisions of Rule U-50 (a) (5), for exemption of the proposed issue and sale from the competitive bidding requirements of Rule U-50.

Section 6 (b) of the Act is designated as applicable to the proposed transactions.

On September 15, 1941, the Commission denied the application of Public Service Corporation of New Jersey, pursuant to section 2 (a) (8) of the Act, for an Order declaring it not to be a subsidiary of The United Gas Improvement Company and The United Corporation, both registered holding companies. On November 5, 1941, Public Service Corporation of New Jersey filed a Petition for Review of said Order in The United States Circuit Court of Appeals for the Third Circuit, which Petition is now pending. On November 19, 1941, said Court ordered a stay of the effective date of the Commission's Order pending disposition of said Petition for Review, and on March 4, 1942, ordered the Stay Order of November 19, 1941 modified so that the proposed issue and sale by Public Service Electric and Gas Company of \$15,000,000 First and Refunding Mortgage Bonds, 3% Series, due 1972, shall be subject to the provisions of the Act, in the same manner and to the same extent as if the Order of November 19, 1941 had not been entered.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further Order of this Commission;

*It is ordered*, That a hearing on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on April 2, 1942, at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On such day the hearing-room clerk will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarant and applicant and to all interested persons, said notice to be given to said declarant and applicant by registered mail and to all other persons by publication in the FEDERAL REGISTER.

*It is further ordered*, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

*It is further ordered*, That, without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be di-

rected at the hearing to the following matters and questions:

1. Whether the proposed issue and sale are solely for the purpose of financing the business of the issuer and have been expressly authorized by the State Commission of the State in which it is organized and doing business;

2. Whether and to what extent it is appropriate or for the protection of investors and consumers to attach terms and conditions with respect to said issue and sale; and

3. Whether it is appropriate in the public interest or for the protection of investors or consumers to exempt the proposed issue and sale, pursuant to the provisions of Rule U-50 (a) (5), from the competitive bidding requirements of Rule U-50.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-2621; Filed, March 26, 1942;  
9:31 a. m.]

[File No. 811-427]

IN THE MATTER OF UNITED STATES LINES,  
INC.

#### NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of March, A. D. 1942.

An application having been duly filed by the above named applicant under and pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company.

*It is ordered*, That a hearing on the aforesaid application be held on April 2, 1942, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise interested parties where such hearing will be held.

*It is further ordered*, That Willis E. Monty, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-2622; Filed, March 26, 1942;  
9:31 a. m.]

[File No. 811-448]

IN THE MATTER OF PENNSYLVANIA-BRAD-  
FORD COMPANY

#### NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of March, A. D. 1942.

An application having been duly filed by the above named applicant under and pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company.

*It is ordered*, That a hearing on the aforesaid application be held on April 2, 1942, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise interested parties where such hearing will be held.

*It is further ordered*, That Willis E. Monty, Esq. or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-2623; Filed, March 26, 1942;  
9:32 a. m.]

[File No. 70-491]

IN THE MATTER OF PACIFIC POWER & LIGHT  
COMPANY

#### NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of March, A. D. 1942.

A declaration or application (or both) pursuant to the Public Utility Holding Company Act of 1935 having been duly filed with this Commission by the above named party, and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise, as provided by Rule U-23 under said Act;

And the said declaration or application (or both) being concerned with the following:

(a) Pacific Power & Light Company ("Pacific"), as of November 30, 1941, owned all of the issued and outstanding shares (except directors' qualifying



shares) of the capital stock, all of no par value of Inland Power & Light Company ("Inland") and also owned Inland's 6% demand note now outstanding in the principal amount of \$7,560,000. The proposed transactions involve the cancellation by Pacific of all of Inland's said 6% demand note indebtedness as a contribution by Pacific to the capital of Inland; consummation of this first step will increase the stated liability with respect to the capital stock of Inland from \$1,545,369.27, as of November 30, 1941, to \$9,105,369.27;

(b) Inland will then transfer to Pacific all the property, rights, licenses, and assets of Inland in consideration for (1) assumption by Pacific of Inland's indebtedness and liabilities including any liability arising *ex delicto*, (2) surrender and cancellation of the capital stock of Inland, as well as the cancellation by Pacific of all indebtedness and obligations of Inland to Pacific, and assumption by Pacific of Inland's obligations to governmental authorities, and (3) payment by Pacific of all fees, costs and expenses arising out of this transaction.

As a result of the above described transactions, Inland will cease to exist as a separate corporate entity.

It appearing to the Commission that it is appropriate in the public interest and the interests of investors and consumers that a hearing be held with respect to said declaration or application and that said declaration shall not become effective or said application be granted except pursuant to the further order of the Commission;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on April 2, 1942 at 10:00 A. M. of such day at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadel-

phia, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing shall be held. At such hearing cause shall be shown why said declaration or application shall be permitted to become effective or be granted:

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by the Commission for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act, and to a trial examiner under the Commission's Rules of Practice;

Notice of such hearings is hereby given to declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 31, 1942.

It is further ordered, That, without limiting the scope of issues presented by said declaration or application, particular attention will be directed at said hearing to the following matters and questions:

1. Whether in all respects the proposed transactions are consonant with the provisions and standards of the Act.

2. Whether the proposed accounting treatment of the transactions on the books of Pacific is in all respects adequate and proper.

3. Whether in any other respect the terms and conditions of the proposed transactions are detrimental to the public interest or the interests of investors or consumers, or will tend to circumvent the provisions of the Act, or the rules,

regulations or orders thereunder; and the extent to which terms and conditions should be imposed to insure adequate protection of such interests in compliance with the applicable provisions of the Act.

By the Commission.

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-2625; Filed, March 26, 1942;  
9:32 a. m.]

#### CHANGE OF ADDRESS OF PRINCIPAL OFFICE

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly section 19 (a) thereof; the Securities Exchange Act of 1934, as amended, particularly section 23 (a) thereof; the Public Utility Holding Company Act of 1935, particularly section 20 (a) thereof; the Trust Indenture Act of 1939, particularly section 319 (a) thereof; the Investment Company Act of 1940, particularly section 38 (a) thereof; and the Investment Advisers Act of 1940, particularly section 211 (a) thereof, and finding such action necessary and appropriate to carry out the provisions of such Acts, hereby takes the following action:

Wherever, in any rule or regulation adopted pursuant to the above Acts or in the Rules of Practice, the address of the principal office of the Commission is given as "Washington, D. C.", the same shall be changed to read "Philadelphia, Pennsylvania".

Effective March 26, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-2626; Filed, March 26, 1942;  
9:32 a. m.]